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Letter dated 13 May 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

Attached hereto is the work programme for the Committee established pursuant to paragraph 6 of Security Council resolution 1373 (2001) (the Counter-Terrorism Committee) and its Executive Directorate for 2015 (see annex).

The activities of the Committee will proceed pursuant to the provisions of Security Council resolutions 1373 (2001), 1624 (2005), 1963 (2010), 2129 (2013), 2178 (2014) and all other relevant Security Council resolutions, presidential statements and reports of the Committee.

The Committee will continue to work with Member States on the implementation of resolutions 1373 (2001) and 1624 (2005), guided by the principles of cooperation, transparency, even-handedness and consistency in its approach. The Committee will remain focused on monitoring and promoting the implementation by Member States of resolution 1373 (2001) and on taking practical measures to enhance the counter-terrorism capacity of States, including measures aimed at facilitating technical assistance. The Committee will continue to pay close attention to the implementation of Security Council resolution 1624 (2005) in its dialogue with Member States. The Committee will also take up additional work under Security Council resolution 2178 (2014). The Committee will continue to contribute to the implementation of the United Nations Global Counter-Terrorism Strategy.

The Committee welcomes the support it receives from Member States, the Secretariat and international, regional and subregional organizations and appreciates the assistance of its Executive Directorate.

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Raimonda **Murmokaitė**
Chair
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Work programme of the Counter-Terrorism Committee for 2015

I. Introduction

1. The overarching goal of the Counter-Terrorism Committee is to ensure the full implementation of Security Council resolution 1373 (2001). The Committee is further directed to include in its dialogue with Member States their efforts to implement Council resolution 1624 (2005). The Committee is also requested to take up additional work under Council resolution 2178 (2014).

2. Security Council resolutions 1373 (2001), 1624 (2005), 1963 (2010), 2129 (2013), 2178 (2014) and all other relevant resolutions and presidential statements of the Council and reports of the Committee constitute the guidance for the work of the Committee and its Executive Directorate.

II. Work programme

3. The Committee will continue to pursue a strategic and transparent approach to its work and, with the support of its Executive Directorate and the Secretariat, will continue to streamline its working methods, as appropriate, in order to achieve the priority objectives set out below.

4. The Committee will assist the Security Council in conducting an interim review of the mandate of the Executive Directorate, in accordance with resolution 2129 (2013), keeping in mind the 10-year anniversary of the operational establishment of the Executive Directorate in December 2005.

A. Monitoring, promoting and facilitating the implementation of Security Council resolutions 1373 (2001) and 1624 (2005) and the implementation of tasks set forth in resolution 2178 (2014)

5. The Committee and its Executive Directorate will collaborate actively with Member States to monitor, promote and facilitate the implementation of resolutions 1373 (2001) and 1624 (2005), and to implement the tasks set forth in resolution 2178 (2014).

6. The Committee will continue to take stock of the implementation efforts of Member States in respect of resolutions 1373 (2001) and 1624 (2005) through the use of two assessment tools, the overview of implementation assessment and the detailed implementation survey, taking into account the new requirements set out in resolution 2178 (2014), and will continue to identify the challenges and needs of each Member State and region, to facilitate the delivery of targeted technical assistance and to promote good practices, in that regard.

7. The Committee will consider information from the Executive Directorate regarding its progress in updating the technical guide to the implementation of resolutions 1373 (2001) and 1624 (2005), while also taking into account the new requirements set out in resolution 2178 (2014), in order to reflect the additional elements prescribed in the detailed implementation survey.

8. The Committee intends to take stock, on the basis of information provided by the Executive Directorate, of the implementation of the recommendations identified in its visit reports in order to assess the progress made by Member States and the effectiveness of overall counter-terrorism measures, including the capacity-building framework and the assistance provided by relevant partners.

9. The Committee will consider the two updated versions of the global implementation surveys of resolutions 1373 (2001) and 1624 (2005), based on the work of the Executive Directorate and information gathered through the detailed implementation survey and other responses submitted by Member States.

10. The Committee will consider a report, based on the work of the Executive Directorate, on gaps in the use of advance passenger information, pursuant to the requirement set out in the statement by the President of the Security Council of 19 November 2014 (S/PRST/2014/23).

11. The Committee will consider information provided by the Executive Directorate on the implementation of the request of the Security Council, in paragraph 27 of its resolution 2185 (2014), that the Executive Directorate identify principal gaps in Member States' capacities, including the capacities of their policing and other law-enforcement institutions.

12. The Committee, assisted by the Executive Directorate, will invite relevant officials from Member States and relevant international, regional and subregional organizations to address the Committee on thematic or regional issues relating to the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014).

13. The Committee will request the Executive Directorate, in close cooperation with relevant entities of the Counter-Terrorism Implementation Task Force, to hold periodic briefings for Member States on thematic or regional aspects of the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014).

14. The Committee will continue to organize special meetings and events on themes and issues of common concern and interest to Member States, including those events specified in the aforementioned presidential statement, with a view to maximizing the impact of the resolutions and sustaining the commitment of the international community to combat terrorism. The Committee will consider necessary follow-up activities, based on proposals made by the Executive Directorate upon review of the outcomes of such meetings and events.

15. The Committee will, in close cooperation with the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities and the Committee established pursuant to resolution 1540 (2004), and in accordance with its mandate, pay special attention to States concerning which information on the implementation of relevant resolutions is lacking and discuss how best to enhance its dialogue with those States.

16. The Committee will report orally, through its Chair, to the Security Council on the state of the overall work of the Committee and the Executive Directorate, including on efforts pursuant to resolution 2178 (2014), and, as appropriate, in conjunction with the reports by the Chairs of the Committee pursuant to resolutions

1267 (1999) and 1989 (2011) and the Committee established pursuant to resolution 1540 (2004).

17. Pursuant to resolution 2129 (2013), the Committee, assisted by the Executive Directorate, will continue to work closely with Member States, including during country visits, on the development of comprehensive and integrated counter-terrorism strategies and on the identification of available practices, elements and good standards.

18. The Committee will continue to call for the closest possible cooperation among the expert groups of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011), the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Committee established pursuant to resolution 1540 (2004), including, as appropriate, on enhanced and systematized information-sharing, coordination of visits and participation in workshops, the provision of technical assistance and relations with international, regional and subregional organizations, and will consider information from the Executive Directorate on the implementation of common strategies.

19. The Committee will consider information and analysis from the Executive Directorate on the promotion of international cooperation, the identification of emerging issues, trends and developments related to resolutions 1373 (2001), 1624 (2005) and 2178 (2014) and practical ways for Member States to implement the three resolutions.

20. The Committee will consider a comprehensive approach to preventing the spread of terrorism and the incitement of terrorist acts motivated by violent extremism and intolerance, consistent with resolutions 1373 (2001), 1624 (2005) and 2178 (2014). The Committee will further consider information from the Executive Directorate on its engagement and the enhancement of partnerships with international, regional and subregional organizations, development entities, civil society, academia and other entities in conducting research and information-gathering and identifying good practices, in support of the Committee's efforts to promote the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014).

21. The Committee will continue to address the issue of the evolving nexus between terrorism and information and communications technologies, in particular the Internet, and the use of such technologies to commit terrorist acts. The Committee will also continue to address the issue of the interaction between terrorism and transnational organized crime, in accordance with resolution 2195 (2014).

22. The Committee will consider information and proposals from the Executive Directorate on its activities to enhance its dialogue and information-sharing with special envoys, the Department of Political Affairs and the Department of Peacekeeping Operations, including during the planning stages of missions, as appropriate, in relation to the implementation of resolutions 1373 (2001) and 1624 (2005) as well as other relevant Security Council resolutions.

B. Facilitating the delivery of technical assistance to States

23. The Committee will continue to pay close attention to the strengthening of the role of the Executive Directorate in facilitating the delivery of technical assistance to Member States for the implementation of resolutions 1373 (2001) and 1624

(2005), taking into account the new requirements set out in resolution 2178 (2014). In that context, the Committee intends to consider, on the basis of proposals by the Executive Directorate, tools to measure the impact of donor-supported project activity linked to capacity-building and cooperation.

24. The Committee, on the basis of information provided by the Executive Directorate, will conduct an annual review and forecast of activities to facilitate the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014), and cooperation in that area.

25. The Committee, assisted by the Executive Directorate, will continue its close cooperation with the relevant entities of the Counter-Terrorism Implementation Task Force, relevant Security Council subsidiary bodies and relevant international, regional and subregional organizations aimed at enhancing the capacity of Member States to fully implement resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014), and at facilitating the delivery of technical assistance.

C. Maintaining dialogue with States on the implementation of resolution 1624 (2005)

26. The Committee will consider activities to commemorate the 10-year anniversary of the adoption of resolution 1624 (2005), as well as information from the Executive Directorate on its ongoing engagement and dialogue with Member States and its work to develop, in accordance with their obligations under international law, strategies that include countering the incitement of terrorist acts motivated by violent extremism and intolerance, and to facilitate technical assistance for the implementation of resolution 1624 (2005).

27. The Committee will continue to encourage States that have not yet submitted a report on their implementation of resolution 1624 (2005) to do so. The Committee will also guide and support the Executive Directorate in its efforts to achieve the full implementation of its plan of action, including updates and relevant good practices for the implementation of resolution 1624 (2005).

D. Implementing the United Nations Global Counter-Terrorism Strategy

28. On the basis of the participation of the Executive Directorate in the activities of the Counter-Terrorism Implementation Task Force, the Committee will continue to contribute to the implementation of the United Nations Global Counter-Terrorism Strategy. The Committee, on the basis of regular briefings by the Executive Directorate on its activities within the framework of the Task Force, will continue its discussions on issues relating to the implementation of the Strategy.

E. Human rights in the context of counter-terrorism

29. The Committee will consider information from the Executive Directorate regarding progress in the further development of activities in this area in order to ensure that all human rights and rule of law issues relevant to the implementation of resolutions 1373 (2001) and 1624 (2005) are addressed consistently and even-handedly, including, as appropriate, regarding country visits organized with the consent of the Member State in question and the delivery of technical assistance.

III. Other matters

30. The Committee will consider information regarding progress in implementing the communications strategy aimed at promoting the visibility of the role and activities of the Committee and the Executive Directorate with regard to counter-terrorism. In this regard, the Committee will pay special attention to the dissemination of information on the two updated versions of the global implementation surveys of resolutions 1373 (2001) and 1624 (2005), to be produced by the Executive Directorate, by employing a wide range of communications tools, including infographics and social media.

31. The Committee will consider information provided by the Executive Directorate on the completion of the relocation of the Executive Directorate.

Appendix

Work programme of the Counter-Terrorism Committee Executive Directorate for 2015

I. Introduction

1. The work programme of the Counter-Terrorism Committee Executive Directorate for the period from 1 January to 31 December 2015 has been prepared in accordance with the relevant provisions of the report of the Counter-Terrorism Committee on its revitalization (S/2004/124) and takes into account the work programme of the Committee for the same period as well as the directions and tasks provided to it by the Security Council in its relevant resolutions, including resolutions 2129 (2013), 2178 (2014), 2185 (2014) and 2195 (2014).

2. The Executive Directorate will continue to assist the Committee to achieve its objectives in the areas defined in the Committee's work programme; to report regularly to the Committee on its work, including in its mission reports, monthly reports and semi-annual reports; and to respond to any additional requests made during the reporting period.

II. Work programme

A. Monitoring, promoting and facilitating the implementation of resolutions 1373 (2001) and 1624 (2005) and the implementation of tasks set forth in resolution 2178 (2014)

3. The Executive Directorate will continue to support the Committee in its efforts to pursue a strategic and transparent approach to its work and to streamline its working methods, as appropriate, in order to achieve its priority objectives.

4. The Executive Directorate will submit a report of its performance and achievements to the Committee in order to assist the Committee and the Security Council to conduct an interim review of the mandate of the Executive Directorate in accordance with resolution 2129 (2013), keeping in mind the 10-year anniversary of the operational establishment of the Executive Directorate in December 2005.

5. The Executive Directorate will continue to support the Committee and collaborate actively with Member States to monitor, promote and facilitate the implementation of resolutions 1373 (2001) and 1624 (2005), and to implement the tasks set forth in resolution 2178 (2014).

6. The Executive Directorate will continue to assist the Committee in taking stock of the efforts of Member States to implement resolutions 1373 (2001) and 1624 (2005) through the use of two assessment tools (the overview of implementation assessment and the detailed implementation survey), taking into account the new requirements set out in resolution 2178 (2014); to identify the challenges and needs of each Member State and region; to facilitate the delivery of targeted technical assistance; and to promote good practices in that regard.

7. The Executive Directorate will provide information to the Committee on its progress in updating the technical guide to the implementation of resolutions 1373 (2001) and 1624 (2005), while also taking into account the new requirements set out

in resolution 2178 (2014), in order to reflect the additional elements from the detailed implementation survey.

8. The Executive Directorate will assist the Committee in taking stock of the implementation of the recommendations identified in the visit reports in order to assess the progress made by Member States and the effectiveness of overall counter-terrorism measures, including the capacity-building framework and the assistance provided by relevant partners.

9. The Executive Directorate will submit to the Committee, for its consideration, two updated versions of the global implementation surveys of resolutions 1373 (2001) and 1624 (2005), based on the work of the Executive Directorate and on information gathered through the detailed implementation survey and other responses submitted by Member States.

10. The Executive Directorate will submit to the Committee, for its consideration, a report on gaps in the use of advance passenger information, pursuant to the requirements set out in the statement of the President of the Security Council of 19 November 2014 (S/PRST/2014/23).

11. The Executive Directorate will provide information to the Committee, for its consideration, on the implementation of paragraph 27 of resolution 2185 (2014) on the principal gaps in the capacities of policing and other law-enforcement institutions of Member States.

12. The Executive Directorate will assist the Committee by inviting relevant officials from Member States and relevant international, regional and subregional organizations to address the Committee on thematic or regional issues relevant to the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014).

13. The Executive Directorate will work in close cooperation with relevant entities of the Counter-Terrorism Implementation Task Force to hold periodic briefings for Member States on thematic or regional aspects of the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014).

14. The Executive Directorate will assist the Committee in organizing special meetings and events on themes and issues of common concern and interest to Member States, including those events specified in the presidential statement of 19 November 2014 (S/PRST/2014/23), with a view to maximizing the impact of the resolutions and sustaining the commitment of the international community in combating terrorism. The Executive Directorate will submit proposals to the Committee for its consideration on necessary follow-up activities based on the review of the outcomes of such meetings and events.

15. The Executive Directorate, in close cooperation with the expert groups of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and the Committee established pursuant to resolution 1540 (2004), and in accordance with its mandate, will continue to assist the work of the Committee in paying special attention to Member States for which information on the implementation of relevant resolutions is lacking, and to discuss how best to enhance the Committee's dialogue with those States.

16. The Executive Directorate will continue to assist the Committee in reporting orally, through its Chair, to the Security Council on the state of the overall work of the Committee and the Executive Directorate, including on efforts pursuant to resolution 2178 (2014), and, as appropriate, in conjunction with the reports of the Chairs of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and the Committee established pursuant to resolution 1540 (2004).

17. Pursuant to resolution 2129 (2013), the Executive Directorate will continue to assist the Committee in working closely with Member States, including during country visits, on the development of comprehensive and integrated counter-terrorism strategies, as well as to identify available practices, elements and good standards.

18. The Executive Directorate will continue to cooperate as closely as possible with the expert groups of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) and the Committee established pursuant to resolution 1540 (2004), including, as appropriate, on enhanced and systematized information-sharing, coordination of visits and participation in workshops, the facilitation of technical assistance delivery and relations with international, regional and subregional organizations, and will provide to the Committee information on the implementation of common strategies.

19. The Executive Directorate will submit to the Committee, for its consideration, proposals on ways to promote international cooperation and, in accordance with resolution 2129 (2013), to identify emerging issues, trends and developments related to resolutions 1373 (2001) and 1624 (2005) and those specified in resolution 2178 (2014), as well as practical ways for Member States to implement those resolutions.

20. The Executive Directorate will continue to assist the Committee in identifying principal gaps in the capacities of Member States to implement Security Council resolutions 1373 (2001) and 1624 (2005) that may hinder the ability of those States to stem the flow of foreign terrorist fighters, as well as in identifying good practices and facilitating relevant technical assistance.

21. The Executive Directorate will continue to assist the Committee in its further consideration of a comprehensive approach to preventing the spread of terrorism and the incitement of terrorist acts motivated by violent extremism and intolerance, consistent with resolutions 1373 (2001), 1624 (2005) and 2178 (2014). The Executive Directorate will provide information on the engagement and enhancement of partnerships with international, regional and subregional organizations, development entities, civil society, academia and other entities in conducting research and information-gathering and identifying good practices, and in that context will support the Committee's efforts to promote the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014).

22. The Executive Directorate will continue to assist the Committee in addressing the issue of the evolving nexus between terrorism and information and communications technologies, in particular the Internet, and the use of such technologies to commit terrorist acts. The Executive Directorate will also continue to assist the Committee in addressing the issue of interaction between terrorism and transnational organized crime, in accordance with resolution 2195 (2014).

23. The Executive Directorate will provide to the Committee information and proposals on its activities to enhance its dialogue and information-sharing activities with special envoys, the Department of Political Affairs and the Department of Peacekeeping Operations, including during the planning stages of missions, as appropriate, in relation to the implementation of resolutions 1373 (2001), 1624 (2005) and other relevant Security Council resolutions.

B. Facilitating the delivery of technical assistance to Member States

24. The Executive Directorate will continue to pay close attention to the strengthening of its role in facilitating the delivery of technical assistance to Member States for the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014). In that context, the Executive Directorate will submit to the Committee, for its consideration, proposals on developing tools to measure the impact of donor-supported project activity linked to capacity-building and cooperation.

25. The Executive Directorate will provide information to the Committee for its annual review and forecast of activities in order to facilitate the implementation of resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014) and cooperation in that regard.

26. The Executive Directorate will continue to cooperate closely with the relevant entities of the Counter-Terrorism Implementation Task Force, relevant Security Council subsidiary bodies and relevant international, regional and subregional organizations with a view to enhancing the capacity of Member States to fully implement resolutions 1373 (2001) and 1624 (2005), taking into account the new requirements set out in resolution 2178 (2014), and facilitating the delivery of technical assistance.

C. Maintaining dialogue with States on the implementation of resolution 1624 (2005)

27. The Executive Directorate will assist the Committee in its consideration of activities to commemorate the 10-year anniversary of the adoption of resolution 1624 (2005) and will provide information to the Committee on its ongoing engagement and dialogue with Member States and its work with Member States to develop, in accordance with their obligations under international law, strategies that include countering the incitement of terrorist acts motivated by violent extremism and intolerance; and facilitation of technical assistance for the implementation of resolution 1624 (2005).

28. The Executive Directorate will continue to provide information to the Committee on its efforts to work with Member States that have not yet submitted their report on the implementation of resolution 1624 (2005) and to achieve the full implementation of its plan of action, including its updates and relevant good practices for the implementation of resolution 1624 (2005).

D. Implementing the United Nations Global Counter-Terrorism Strategy

29. The Executive Directorate, on the basis of its participation in the activities of the Counter-Terrorism Implementation Task Force, will continue to assist the Committee in contributing to the implementation of the United Nations Global Counter-Terrorism Strategy. The Executive Directorate will provide regular

briefings to the Committee on its activities within the framework of the Counter-Terrorism Implementation Task Force and will continue to assist the Committee in its discussions on issues relating to the implementation of the Strategy.

E. Human rights in the context of counter-terrorism

30. The Executive Directorate will provide information to the Committee on the further development of activities in the area of human rights in the context of counter-terrorism and to ensure that all human rights and rule of law issues relevant to the implementation of resolutions 1373 (2001) and 1624 (2005) are addressed consistently and even-handedly, including, as appropriate, during country visits organized with the consent of the visited Member State and on the delivery of technical assistance.

III. Other matters

31. The Executive Directorate will provide information to the Committee on the implementation of the communications strategy aimed at promoting the visibility of the role and activities of the Committee and the Executive Directorate in the field of counter-terrorism. In that regard, the Executive Directorate will assist the efforts of the Committee to pay special attention to the dissemination of information on the two updated versions of the global implementation surveys of resolutions 1373 (2001) and 1624 (2005), to be produced by the Executive Directorate, by employing a wide range of communications tools, including infographics and social media.

32. The Executive Directorate will provide information to the Committee on the completion of the relocation of the Executive Directorate.

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Letter dated 13 May 2015 from the Chair of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, I have the honour to submit to the Security Council the document entitled "Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters" (see annex).

The Committee would appreciate it if the present letter and its annex were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Raimonda **Murmokaitė**
Chair
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Implementation of Security Council resolution 2178 (2014) by States affected by foreign terrorist fighters

Summary

The present report is the first in a series focusing on the capacity of Member States to respond to the challenges posed by the foreign terrorist fighter threat.

Foreign terrorist fighters pose an acute and growing threat. They increase the intensity, duration and intractability of conflicts and may pose a serious threat to their States of origin, the States they transit and the States to which they travel, as well as States neighbouring zones of armed conflict in which foreign terrorist fighters are active, such as Jordan, that as a result are affected by serious security burdens and often need to commit massive resources to combat the impact, and which are, therefore, themselves victims of terrorism. The threat of foreign terrorist fighters may affect all regions and Member States, even those far from conflict zones. International networks have been established by terrorists and terrorist entities among States through which foreign terrorist fighters and the resources to support them have been channelled back and forth.

In exploring the major risks posed by the foreign terrorist fighter phenomenon, the report assumes that the threat of terrorist acts resulting from a range of terrorist organizations, including, but not confined to, the Islamic State in Iraq and the Levant (ISIL) and the Al-Nusrah Front, is rapidly changing and will not be fully geographically contained; that there appears to be virtually no short-term possibility of ending certain threats; and that a significant longer-term risk will derive from "alumni" foreign terrorist fighters upon their return to their own countries or upon their arrival in third countries.

The report identifies an urgent need to establish effective flows of information at the national and international levels in the implementation of Security Council resolution 2178 (2014), as noted in Security Council resolutions 1373 (2001) and 2178 (2014), and suggests ways in which that can be done. It draws attention to the significant risks faced by small States due to the possible consequences of returning foreign terrorist fighters, and discusses the human rights implications of possible responses. Future reports will discuss ways to address recruitment, the challenges posed by Internet and communications technologies, exit and entry screening, returning foreign terrorist fighters and other issues.

The Counter-Terrorism Committee Executive Directorate has identified an initial 67 Member States most affected by the acute and growing threat posed by foreign terrorist fighters, who are defined in Security Council resolution 2178 (2014) as individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict. In reviewing the implementation of resolution 2178 (2014) by the first group of 21 States, the Executive Directorate has identified the following priority measures to be taken by States to prevent the movement of foreign terrorist fighters.

1. Preventing inter-State travel of foreign terrorist fighters

Urgent operational measures are required to prevent travel abroad by citizens and/or residents suspected of attempting to become foreign terrorist fighters. Front-line officers require regularly updated information to conduct effective evidence-based travel risk assessment and screenings. Foreign terrorist fighters routinely use evasive travel patterns, or "broken travel", to prevent officials from accurately determining where they were prior to their arrival. There is an urgent need to identify practicable techniques that, if implemented, would substantially improve the ability of officials to detect "broken travel".

Most States, including all but one of those surveyed, do not conduct immigration control of transit or transfer passengers who remain within the international zone of the airport. Nor are such controls required by the relevant international standards. A foreign terrorist fighter can therefore travel through three or more countries without being asked to present travel documents. The Executive Directorate considers that to be a global systemic shortfall, which should be addressed as a matter of urgency.

Only five of the States surveyed required advance passenger information or passenger name records. In visa-free or visa-upon-arrival regimes, such systems may offer the only meaningful way to identify potential foreign terrorist fighters.

2. Law enforcement

Priorities for law enforcement include: the centralized and coordinated exchange of information at the national level, the breaking down of "silo thinking" among law enforcement agencies and the urgent need for an operational 24/7 alert system that enables users to share information immediately with front-line officers, including immigration officials and customs authorities.

3. Countering incitement to terrorism, including through the Internet

Nearly all the States surveyed have taken steps to prohibit by law incitement to commit a terrorist act under their criminal laws as called for by Security Council resolution 1624 (2005). Those measures can contribute significantly to stemming the flow of foreign terrorist fighters, who are often spurred to action by calls to terrorist violence made by others, whether in person or through the Internet or other social media. Certain restrictions on the right to freedom of expression, subject to strict requirements, may legitimately be applied, including in cases of incitement to terrorist acts. Some States' legal mechanisms do not appear to have proper limitations on restricting expression, making their restrictions impermissible. Several States are making active efforts to engage more directly with community leaders and religious authorities in order to present a united front against those seeking to recruit individuals and incite terrorist violence.

4. Criminalization

The Executive Directorate has identified as a high priority the adoption by States of comprehensive criminal offences to prosecute preparatory or accessory acts conducted in the State with the aim of committing terrorist acts outside the State's territory. Only 5 of the 21 States reviewed had introduced such legislation. A further high priority is ensuring the existence of criminal laws to allow the prosecution of individuals who travel or attempt to travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training. Many of the 21 States have not yet fully criminalized those acts. The States reviewed have generally criminalized the provision of training, but not its receipt. That may be because, whereas the former is provided for in several regional instruments, the latter was first introduced in resolution 2178 (2014).

5. Financing foreign terrorist fighters

Although it is premature to expect that States would have reviewed existing mechanisms and introduced new mechanisms specifically designed to disrupt and prevent financial support to foreign terrorist fighters, most have introduced mechanisms to disrupt and prevent the provision of financial support to terrorists, and those mechanisms can be applied to foreign terrorist fighters. There remain concerns about the capacity of States to freeze terrorist assets in accordance with resolution 1373 (2001).

There is a risk that the widespread influence of ISIL may provoke attacks by self-radicalized terrorists acting alone or in tiny cells. In that regard, the Executive Directorate is concerned that only 12 of the 21 States had introduced terrorism-financing offences covering the financing of both a terrorist organization and an individual terrorist. Better implementation of measures to detect the illicit physical cross-border transportation of currency should be considered, since at least 1 of the 21 States has reported to the Executive Directorate on the recruitment of its citizens by foreign terrorist recruiters promising financial rewards and cash to fund foreign travel. Only 10 of the 21 States have such measures largely or fully in place.

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I. Introduction

1. The present report is the first in a series intended to support the work of the Counter-Terrorism Committee to identify principal gaps in Member States' capacities to implement resolutions 1373 (2001) and 1624 (2005) that may hinder States' abilities to stem the flow of foreign terrorist fighters, as well as to identify good practices and contribute to the facilitation of technical assistance, as requested by the Security Council in paragraph 24 of its resolution 2178 (2014). The conclusions drawn are preliminary in nature, and based on the analysis of an initial group of 21 States. The second and third reports will incorporate data gathered from a larger number of States, allowing for detailed regional and thematic analysis and the formulation of evidence-based and risk-based recommendations on ways to address systemic shortfalls. Future reports will also discuss ways to address recruitment, challenges posed by Internet and communications technologies, exit and entry screening, returning foreign terrorist fighters and other issues. In the coming months, the reports will produce a detailed road map to assist in the building of capacity to resist the threat of foreign terrorist fighters.

2. Foreign terrorist fighters pose an acute and growing threat. They increase the intensity, duration and intractability of conflicts and may pose a serious threat to their States of origin, the States they transit and the States to which they travel, as well as States neighbouring zones of armed conflict in which foreign terrorist fighters are active, such as Jordan, that as a result are affected by serious security burdens and often need to commit massive resources to combat the threat, and which are, therefore, themselves victims of terrorism. The threat of foreign terrorist fighters may affect all regions and Member States, even those far from conflict zones. International networks have been established by terrorists and terrorist entities among States through which foreign terrorist fighters and the resources to support them have been channelled back and forth.

3. Addressing the threat posed by foreign terrorist fighters requires comprehensively addressing the underlying conditions that are conducive to the spread of terrorism, including by preventing radicalization to terrorism; suppressing recruitment; inhibiting foreign terrorist fighter travel; disrupting financial support to foreign terrorist fighters; countering violent extremism; countering incitement to terrorism; promoting political and religious tolerance, economic development and social cohesion and inclusiveness; ending and resolving armed conflicts; and facilitating the reintegration and rehabilitation of returning foreign terrorist fighters.

A. Defining foreign terrorist fighters

4. The Counter-Terrorism Committee Executive Directorate has identified 67 Member States most affected by the acute and growing threat posed by foreign terrorist fighters, defined in Security Council resolution 2178 (2014) as individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training, including in connection with armed conflict.

B. Identification of affected States

5. The 67 Member States were prioritized on the basis that they are States of origin, transit and/or destination, or States neighbouring zones of armed conflict in which foreign terrorist fighters are active, for foreign terrorist fighters recruited by and joining entities such as the Islamic State in Iraq and the Levant (ISIL); the Al-Nusrah Front and all other cells, affiliates, splinter groups and derivative entities of Al-Qaida; and including the Abu Sayyaf Group; Al-Shabaab; Boko Haram; Lashkar-e-Tayyiba; Jemmah Islamiya; and other organizations. Paragraph 14 of resolution 2178 (2014) draws particular attention to the plight of those States. On the basis of its continuous dialogue with States, the Executive Directorate considers as "destination States" several States located outside the region in which ISIL and the Al-Nusrah Front are currently active because they attract foreign terrorist fighters to other organizations on the list established and maintained by the Al-Qaida Sanctions Committee. It is likely that more such States will be identified in subsequent reports, which will also address the foreign terrorist fighter situation at the regional and subregional levels. It should also be noted that several affected States fall into two or more of the above categories.

6. The States addressed by the present report are: Afghanistan, Albania, Algeria, Bosnia and Herzegovina, Egypt, India, Indonesia, Jordan, Lebanon, Libya, Malaysia, Maldives, Mali, Morocco, Nigeria, Pakistan, the Philippines, Qatar, Saudi Arabia, Tunisia and Turkey.

II. Report methodology

7. Using responses to questions in its existing assessment tools, together with others developed specifically for the task that focus on foreign terrorist fighters, the Executive Directorate has mapped in the present report the principal gaps for only 21 of the most affected States, which were identified through its dialogue with States. It is expected that the recommendations made in the present report will evolve as more States are added to the analysis. Identification and analysis of the gaps will benefit from the collection of further evidence and may even change as more States are added. The second report will add to the present report 25 more States for a total of 46 States, and the third report, to be submitted in September 2015, will complete the review of all 67 States.

8. In order to avoid repetitiveness in the compilation of the present study, the Executive Directorate has adopted a "periodical" approach. In other words, the structure of the reports will be broadly consistent, but the contents will vary. The present report takes a thematic approach to the affected States, identifying and analysing the crucial legal and policy issues that States should address in order to stem the flow of foreign terrorist fighters. The second report will focus on regional analysis and analyse in more detail the particularities of each region and the required measures. The third report will include information contained in the previous reports, adding information and analysis of more States. It will also focus on the good practices identified throughout the process and make recommendations for further actions to help strengthen capacities to address the foreign terrorist fighter threat.

9. Each report will also contain a section on issues, trends and developments, which the Executive Directorate will bring to the attention of the Committee in accordance with its mandate under 2178 (2014) and paragraph 5 of resolution 2129 (2013). Those are findings that the Executive Directorate considers to be worthy of further attention and action and will include ways to address recruitment, challenges posed by Internet and communications technologies, exit and entry screening, returning foreign terrorist fighters and other issues.

A. Evidence-based approach

10. The survey was conducted by Executive Directorate experts using information acquired during the Committee's visits to States and other forms of dialogue with States, including responses to questions submitted directly to the States as part of the survey, as well as information gathered for completion of the detailed implementation survey and overview of implementation assessment prepared for each Member State. The Executive Directorate also wrote to all the States concerned requesting their input. The Committee recently visited Malta (October 2014), France (November 2014), Sri Lanka (November 2014), the Philippines (December 2014), Mali (February 2015), the Niger (February 2015), Turkey (February 2015), Cameroon (March 2015), Tunisia (March 2015), Uzbekistan (April 2015), Italy (May 2015) and Oman (May 2015). Future reports will include the outcomes of those and other visits.

11. The survey also draws on threat analysis provided in the course of the Executive Directorate's dialogue with its partners, including the Monitoring Team of the Security Council Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities and other Security Council expert groups, the Council of Europe, the Financial Action Task Force, the International Office for Migration, the International Criminal Police Organization (INTERPOL) and the United Nations Office on Drugs and Crime.

B. Risk management

12. In conducting the analysis, the Executive Directorate has for the first time adopted a risk-based approach aimed at facilitating capacity-building tailored to each State's perception of its own needs. The huge diversity of affected States in terms of their size and population, the nature of the various threats posed by foreign terrorist fighters to particular States, as well as States' relative capacities and vulnerabilities to address the threats, makes a "one-size-fits-all" approach impractical.

13. States should develop a response to the foreign terrorist fighter threat based on their own particular national security concerns, rather than on a fixed template that might have little relevance to their situations. The size of a State alone is a simple yet crucial indicator that some counter-terrorism measures may be of more relevance than others. For example, the Executive Directorate's assessments have shown that large States have a greater need for sophisticated coordination mechanisms for national inter-agency data exchange than small States do, where meaningful information exchange at the operational level can be relatively easy to achieve.

14. Nevertheless, one of the great strengths of the Executive Directorate assessment process is its consistency. The same questions are asked of all States. That has the benefit of allowing rigorous yet granular conclusions to be drawn on a regional and global basis in accordance with agreed criteria. The Executive Directorate is developing, in the present report, a methodology that preserves the impartiality of the assessment process while allowing for the development of a tool that can provide practical answers for individual States on how to proceed: a proposed road map that will enable States and their international partners to build capacity in a meaningful way. The Committee already prioritizes certain steps in its reports on its visits to States. The intention here is to develop and implement that approach in a more systematic way.

15. In order to prioritize their conclusions, Executive Directorate experts cross-referenced findings about the implementation of specific measures, ranked on six levels from "Yes" to "No information", with a "priority" rating ranked on three levels: low, medium and high. The concept of "priority" is intended to indicate how important the particular measure is for the security of the State. During its country visits, the Committee makes priority recommendations tailored specifically to States' particular circumstances. The addition of the "priority" rating is proving to be an effective approach that will assist States in implementing a more effective, risk-based approach to implementation of their counter-terrorism measures. The Executive Directorate will develop the tool further in the coming months.

16. Some of the figures included in the present report also feature accumulated data that combine the "implementation" rating and the "priority rating". That has the benefit of offering visual clarity, although some of the most revealing data is obscured. The non-accumulated figures, therefore, offer a more granular approach.

III. Foreign terrorist fighters: issues, trends and developments

17. Security Council resolution 2178 (2014) underlines that the increasing threat posed by foreign terrorist fighters is part of the emerging issues, trends and developments related to resolutions 1373 (2001) and 1624 (2005) that, in paragraph 5 of resolution 2129 (2013), the Security Council directed the Executive Directorate to identify. The present section of the report will consider the longer-term risks posed by foreign terrorist fighters, the crucial importance of improving exchange of information mechanisms and the particular vulnerability of small States.

A. Demographics

18. Accurate and reliable data on the number of foreign terrorist fighters is impossible to obtain. In November 2014, the Monitoring Team estimated the number to be between 15,000 and 20,000, with most travelling to join ISIL, while recognizing that the total could be as high as 30,000 (see S/2014/815, para. 14). The Executive Directorate has gathered official figures from States, where available. The table below contains the officially acknowledged number of foreign terrorist fighters who have recently travelled to Iraq and/or the Syrian Arab Republic from the States surveyed.

Officially acknowledged number of foreign terrorist fighters who have recently travelled to Iraq and/or the Syrian Arab Republic

Country	*Foreign terrorist fighters*
Tunisia	3 000
Turkey	1 300
Morocco	1 200
Maldives	200
Algeria	170
Malaysia	60
Indonesia	50
Pakistan	0
Qatar	0
Philippines	0
Egypt	State does not possess accurate information
Jordan	State does not possess accurate information
Libya	State does not possess accurate information
Mali	State does not possess accurate information
Afghanistan	Insufficient information
Albania	Insufficient information
Bosnia and Herzegovina	Insufficient information
India	Insufficient information
Lebanon	Insufficient information
Nigeria	Insufficient information
Saudi Arabia	Insufficient information

B. Risks associated with foreign terrorist fighters

19. The foreign terrorist fighter phenomenon is far from new. Experience gained in past conflicts, such as those in the Horn of Africa, Afghanistan and other regions of the world, can and should be utilized to address the current threat of foreign terrorist fighters. Nevertheless, the current movement of foreign terrorist fighters to fight with ISIL and other groups is created, encouraged and sustained by certain newer phenomena which arguably make the current threat qualitatively different from those that have occurred in the past.

20. First, the activities of foreign terrorist fighters are facilitated by rapidly changing Internet and communications technologies, an issue that will be addressed in greater depth in future reports. Recruitment is often carried out over the Internet through social networking sites and chatrooms. The speed of transition from initial interest to radicalization, to commitment, to action and, ultimately, to joining a foreign terrorist group has accelerated rapidly. The average recruitment age is also younger and women, more than ever before, are being drawn in greater numbers into zones of armed conflict as foreign terrorist fighters (see S/2015/123, para. 14).

21. Second, according to the Financial Action Task Force, ISIL, in particular, represents a new form of terrorist organization where funding is central and critical to its activities. Its primary sources of revenue are mainly derived from illicit proceeds from its occupation of territory, rather than external donations, and include bank looting and extortion, control of oil fields and refineries, kidnap for ransom and robbery of economic assets. The need by ISIL for vast resources to maintain financial management of its territory creates pressure to seize additional territory in order to exploit its resources, and it is not clear whether that will be sustainable over time.[1] Foreign terrorist fighters are a small but significant source of funding, and methods have ranged from simple access to bank accounts in home countries with an ATM card to the use of *hawala*-type arrangements to access funds and movements of cash. More significantly, if foreign terrorist fighters are not paid by terrorist organizations to fight, then they may be self-funded through such means as proceeds of crime, social benefits, bank overdrafts and donations from families, friends and supporters, sent by cash and wire transfers.[2] The patterns are dynamic and rapidly changing, and developments in digital mobile communications technology are likely to facilitate greater opportunities for the transfer of funds but also greater opportunities for their interception.

22. The risk posed by foreign terrorist fighters to societies is multifaceted. Previously localized conflicts have become international and their impact has become less predictable owing to the increased diversity among those involved. The risks and concerns raised by countries neighbouring zones of armed conflict, in particular, suggest that the threat of terrorist acts by a range of terrorist organizations, including but not confined to ISIL and the Al-Nusrah Front, is rapidly changing and will not be fully geographically contained; that there appears to be virtually no short-term possibility of ending certain conflicts; and that a significant longer-term risk will derive from "alumni" foreign terrorist fighters upon their return to their own countries or upon their arrival in third countries.

C. Returning foreign terrorist fighters

23. The destiny of returning foreign terrorist fighters, including those who return to their countries of origin and those who choose to travel to third countries, is a key challenge. Foreign terrorist fighter networks within ISIL and the Al-Nusrah Front already threaten a number of States other than Iraq and the Syrian Arab Republic. There are concerns that foreign terrorist fighters may already be returning to their countries of origin, bringing with them terrorist techniques deployed by ISIL. Expert participants in a recent Executive Directorate seminar on bringing terrorists to justice, for example, reported that as many as 72 cases involving terrorism in France were linked to the conflict in the Syrian Arab Republic. That represented an increase of around 200 per cent in less than a year (see S/2015/123, para. 15). An attack involving chlorine gas, carried out in Jakarta on 23 February 2015, may have involved a technique regularly employed in the Syrian Arab Republic and Iraq, but

[1] Financial Action Task Force, *Financing of the terrorist organization Islamic State in Iraq and the Levant (ISIL)* (Paris, 2015), p. 5.

[2] Ibid., case study 4.

never before used in Indonesia.[3] The terrorist attack on the Jewish Museum of Belgium in Brussels on 24 May 2014 was reportedly carried out by an ISIL terrorist who had returned from the Syrian Arab Republic.[4]

24. There is currently limited available data concerning the number of fighters expected to return to their countries of origin or to third countries, including conflict zones, and the types of behaviours in which returnees are likely to engage upon their return. However, even if only one in nine returnees does engage in terrorist activities, which is a much-quoted figure from earlier research conducted by Thomas Hegghammer of the Norwegian Defence Research Establishment, the impact could still be significant, particularly for smaller States.

25. There is also a concern that returning foreign terrorist fighters may not merely plot and carry out attacks, but also engage in other forms of support for terrorist activity, including radicalization, recruitment and incitement. What becomes of returning foreign terrorist fighters is therefore a critical question. Although the present report does not deal with returnees or the measures that States need to take in response, including monitoring, prosecution, rehabilitation and reintegration measures, the Executive Directorate recognizes the importance of the topic and will return to it in due course.

D. Exchange of information

26. Effective implementation of measures to stem the flow of foreign terrorist fighters requires an effective flow of information at every level, including nationally, regionally and internationally. The promotion of international cooperation and the exchange of operational information fall squarely within the Committee's mandate under paragraph 3 of resolution 1373 (2001), which defines the types of information that should be exchanged and calls on States to find ways of intensifying and accelerating the exchange of operational information. Paragraph 11 of resolution 2178 (2014) also calls on Member States to improve international, regional and subregional cooperation and increase the sharing of information. There are a number of multilateral tools that can facilitate such cooperation, including several provisions of the United Nations Convention against Transnational Organized Crime, and the Executive Directorate will return to a consideration of such measures and the means by which States might effectively implement them in a future report.

27. The present survey reveals that exchange of information, including international cooperation, national inter-agency flows and the exchange of information between Government agencies and private sector entities such as technology firms, shipping companies and airlines, is one of the key challenges in this area.[5] There may be a causal relationship between inadequate information exchange and the risk of terrorist attack. It should be noted that the five surveyed States in the present review that were

[3] Kate Lamb, "Indonesian police blame jihadis returning from Syria for chlorine bomb", *Guardian*, 25 March 2015. Available from www.theguardian.com/world/2015/mar/25/indonesian-police-blame-jihadis-returning-from-syria-for-chlorine-bomb.

[4] BBC News, "Brussels Jewish Museum killings: fourth victim dies", 6 June 2014. Available from www.bbc.com/news/world-europe-27733876.

[5] On terrorist financing issues, the Financial Action Task Force is working on developing red flags to better identify the funding mechanisms foreign terrorist fighters utilize, which should involve greater domestic cooperation. See Financial Action Task Force, *Financing of ISIL*.

deemed to have few effective measures in place, and with respect to which the strengthening of information exchange was deemed to be a priority concern, have all recently suffered terrorist attacks.

28. Nevertheless, it is important to recognize that in most cases existing mechanisms for national and international information exchange can be deployed to address the foreign terrorist fighter threat. Even though very few States have introduced mechanisms devoted exclusively to the foreign terrorist fighter threat, "reinvention of the wheel" is often neither necessary nor even desirable if robust mechanisms ensuring the timely exchange of information are already in place.

29. The Executive Directorate works with States to promote the sharing of good practices in the exchange of information, and has identified many such practices. Global sporting events have proven to be a useful catalyst for the development of good practices in information-sharing aimed at protecting the movement of people, since the host country is obliged to protect both its own citizens and overseas visitors. States are often at their most resourceful and cooperative in advance of sporting events. In hosting the Olympic and Paralympic Games in London in 2012, the United Kingdom of Great Britain and Northern Ireland developed many good practices aimed at expediting the movement of people while taking all necessary measures to identify and mitigate security risks. As host of the Sochi Games in 2014, the Russian Federation established dedicated multi-agency security coordination for the event. When China hosted the 2008 Olympic and Paralympic Games in Beijing, the authorities reached out to technology companies worldwide for security systems that would protect the events.[6] Japan and the Republic of Korea notably introduced advance passenger information systems in preparation for the Fédération Internationale de Football Association (FIFA) World Cup in 2002, as did Guyana in advance of the cricket World Cup in 2007. That event also resulted in the creation of a "single domestic space" among 10 Caribbean Community member States to facilitate the event.

30. Such events typically involve investment of resources and effort at a level that is unsustainable over the longer term. However they help promote the development of know-how, in particular in the coordination of information exchange, and that can have a lasting effect on safety and security, in particular with respect to the movement of persons.

31. In its dialogue with States, the Executive Directorate prioritizes issues relating to exchange of information and stresses the need for national inter-agency coordination, as well as international and regional cooperation. It also continues to identify ways to help States take advantage of emerging technologies to strengthen border controls while also respecting the right to privacy set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights. The Executive Directorate seeks to understand the challenges that new technologies can present to security, as well as the ways in which they can help promote security. The Executive Directorate will continue to work with the private sector to facilitate the use of new technologies in building the capacity of high-risk, low-capacity States to prevent terrorism in accordance with international law, in

[6] Candidate host States are required to give security guarantees: see olympic.org/Documents/Reports/EN/en_report_1078.pdf.

particular international human rights law, international refugee law and international humanitarian law.

E. Small States

32. Although the vast majority of small States globally appear not to be facing a foreign terrorist fighter threat, those that are affected may be particularly vulnerable to sustained, well-resourced terrorist threats deriving from returning foreign terrorist fighters. Of the 21 States reviewed in the present report, 6 may be classed as small States. One is a small island developing State that is economically dependent on tourism. The inclusion of the State on the initial list of affected States was the result of official briefings received by the Executive Directorate during a country visit conducted in November 2014. Its Government estimates that around 200 fighters have departed from its territory to fight in the Syrian Arab Republic, many with their families. That number is equivalent to a force of 192,000 departing the United States of America. The foreign terrorist fighters are reportedly radicalized by foreigners who target isolated islands with small populations and promise financial rewards for travelling to the Syrian Arab Republic to fight. Returning foreign terrorist fighters therefore pose a serious national security threat beyond the risk of terrorist acts. A single terrorist attack in a resort area could shake confidence in such States and deter tourists from visiting. In the event that returning foreign terrorist fighters and their supporters were actually able to seize territory, the State might not be able to withstand such an offensive. Tourism, the only realistic source of gross domestic product for such States, would likely be eliminated. Moreover, some small island developing States, if overwhelmed, could be used as beachheads from which to attack neighbouring States.[7] The disproportionately positive impact that well-managed and well-deployed technical assistance can have on the counter-terrorism architecture of small States is also worth highlighting. Vulnerabilities can often be more rapidly addressed and more effectively resolved than in larger States.

F. Human rights dimension

33. States should take measures to protect populations from terrorism and to deliver justice. Criminal justice systems must also ensure that they protect people's personal security, their access to the administration of justice and the participation of all in decision-making, and that is especially true in the context of programmes and policies to prevent terrorism. As States revise legislation and policy to stem the flow of foreign terrorist fighters, it is important to recognize that the protection of human rights and the rule of law contribute to the countering of terrorism. Arbitrary arrests, incommunicado detentions, torture and unfair trials fuel a sense of injustice and may in turn encourage terrorist recruitment, including of foreign terrorist fighters.

[7] The Executive Directorate has identified another small State as being similarly affected. The State was identified by the regional point of contact in the Caribbean shared by the Counter-Terrorism Committee and the Executive Directorate with the Security Council Committee established pursuant to resolution 1540 (2004), and the case will be analysed in a future report. The Executive Directorate is also communicating with a third small State after neighbouring States reported the departure of large numbers of foreign terrorist fighters for the Syrian Arab Republic.

34. Virtually all the measures advocated in the present report as effective tools to stem the flow of foreign terrorist fighters will require that States consider carefully certain human rights issues. In that connection, at least three areas appear to deserve special mention.

35. Some States are developing responses that include the revocation of travel documents, and other measures to prevent travel, as tools with which to counter the foreign terrorist fighter threat. That can be a primary line of defence against the threat posed by foreign terrorist fighters. It also, practically by definition, raises the question of the right to liberty of movement, and to be able to leave any country, as set forth in article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights. At the same time, as set out in article 12 of the Covenant, that right may be subject to certain restrictions that are provided for by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the Covenant.

36. Many measures under consideration by States for dealing with the foreign terrorist fighter threat involve the transfer within and between States of personal information of individuals, as well as the use of surveillance and other investigative techniques that involve implications regarding the right to privacy. However, as with the right to liberty of movement, the right to privacy, as set forth in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, is not absolute. Even though arbitrary or unlawful interference with that right is prohibited under article 17 of the Covenant, the right is, as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has noted, "flexible enough to enable necessary, legitimate and proportionate restrictions to the right" (see A/HRC/13/37, para. 15). In considering the creation or sharing of new forms of personal data collection and usage, including in particular, but not limited to, "watch lists" or "no fly lists", States should collaborate to develop a set of objective criteria for the placement of an individual on such a list, as well as processes to ensure that the personal data contained in such lists is complete, accurate and up to date. States should also develop a common understanding as to how such information should be used, for example, whether its purpose is to prevent the person from boarding a plane or to facilitate his or her detention or arrest upon arrival. Such information should not be used in a manner that facilitates arbitrary or unlawful detention.

37. Lastly, some States regard the criminalization of foreign terrorist fighter travel as an important tool in efforts to stem the flow of foreign terrorist fighters. The issue of criminalization, among others, was recently highlighted by the Office of the United Nations High Commissioner for Human Rights, when it noted that "it should not be presumed, for example that every individual travelling to an area of conflict has criminal intent or is supporting or engaging in criminal terrorist activity" (see A/HRC/28/28, para. 49). Probably more than with many offences, owing to the anticipatory nature of the acts at issue, States will face challenges in clarifying in law and demonstrating in court the elements necessary to obtain convictions for the offences specified in resolution 2178 (2014). In all cases, it will be incumbent upon them to ensure respect for the principle of legality and the presumption of innocence, neither of which, according to the Human Rights Committee, may be subject to derogation by States parties to the International Covenant on Civil and

Political Rights, even in time of emergency, as well as for the principles of due process and fair treatment.

38. Other human rights issues relevant to the foreign terrorist fighter threat are discussed elsewhere in the present report.

IV. Systemic shortfalls: thematic analysis of Executive Directorate data

39. Section IV examines the mechanisms that could be used by the first group of 21 affected States surveyed to counter the foreign terrorist fighter threat. Many of the existing mechanisms to implement resolutions 1373 (2001) and 1624 (2005) can be adapted to implement resolution 2178 (2014). In some areas, for example the prevention of inter-State travel by foreign terrorist fighters and issues relating to criminalization, specific steps will need to be undertaken in order to ensure that the provisions of the latter resolution are implemented.

A. Preventing inter-State travel of foreign terrorist fighters

Departure

40. A very effective way to implement resolution 2178 (2014) and prevent the creation of foreign terrorist fighters is to ensure that those who attempt to travel to become foreign terrorist fighters are prevented from leaving their country of origin and/or residence to travel abroad to conflict zones. For that reason, States can put in place practical measures to identify people who are suspected of attempting to become foreign terrorist fighters and to prevent them from leaving to perpetrate, plan, prepare or participate in terrorist acts or to provide or receive terrorist training abroad. The results of the Executive Directorate survey indicate that 17 of the 21 reviewed States appear to have few or no operational measures in place to prevent the travel abroad of citizens and/or residents who are suspected of becoming foreign terrorist fighters. Moreover, the same number of States does not appear to have effective measures in place to ensure that front-line officers tasked with regulating the movement of persons across borders are provided with updated information to conduct effective evidence-based travel risk assessment and screenings to help identify foreign terrorist fighters, although the Executive Directorate is aware that several States have successfully prevented the initial exit of potential foreign terrorist fighters through interception at borders. There is therefore a clear need to strengthen awareness-raising and capacity-building measures in those areas.

Broken travel

41. Foreign terrorist fighters routinely use evasive travel patterns, or "broken travel", which is the deliberate use of techniques to break long-distance travel into multiple segments such that it becomes difficult to ascertain travel history and travel origin, to prevent border authorities and counter-terrorism officials from accurately determining where they were prior to their arrival in a particular State. Preventing "broken travel" is therefore critical to stemming the flow of foreign terrorist fighters across borders and preventing foreign terrorist fighters who have been to conflict zones from returning home as well-trained operators to carry out attacks or from

moving on to States neighbouring zones of armed conflict. As far as the Executive Directorate is aware, no public or private sector entity has yet taken steps to understand and analyse that challenge. There is therefore an urgent need to strengthen the capacity of border authorities and counter-terrorism officials to accurately determine where a traveller has been before arriving in a particular country. The present survey rates slightly more than half the surveyed States as "partially" successful or better with respect to recording the entry/exit of all passengers. However, in the absence of accurate record-keeping, it will be difficult to enhance our understanding of "broken travel" by reconstructing the manner in which foreign terrorist fighters travel in and out of transit States and conflict zones.

Immigration control

42. Only 1 of the 21 States surveyed conducts immigration control of transit or transfer passengers who remain within the international zone of the airport. The remainder offer transit without visa arrangements for such persons, with few or no immigration control measures in place. The lack of such procedures in most States is understandable given that there is no international requirement for States to ensure immigration controls of transit or transfer passengers under annexes 17 (Security) or 9 (Facilitation) to the Convention on International Civil Aviation. Nevertheless, the current vulnerability in that area allows foreign terrorist fighters to freely transit through numerous States, including major hubs for air travel, without ever being scrutinized by immigration officials or checked against local and international watch lists.

43. With the exception of Afghanistan and Maldives, all 21 States provide some type of visa-free arrangement with other States. The number of partner States included in such arrangements range from 4 (Egypt) to 163 (Malaysia). Ten of the 21 States provide visa-upon-arrival arrangements. Among States providing such arrangements, Nigeria offers visa-upon-arrival arrangement for one State and Maldives issues visas-upon-arrival for all States. Visa-free or visa-upon-arrival arrangements are ideal for passenger travel and trade-facilitation, but should be accompanied by appropriate threat-assessment-based scrutiny at the point of visa-upon-arrival issuance and/or immigration control in order to ensure that foreign terrorist fighters are not allowed to enter or transit through the State any more easily than in regimes requiring the procurement of visas in advance of arrival.

44. Even under the best of circumstances, immigration officials are given an extremely brief period of time in which to determine whether a passenger should be allowed to enter the country. In order to make best use of that limited time, it is our recommendation that front-line immigration officers be provided with a combination of key tools and appropriate training in order to better identify potential foreign terrorist fighters. Such key tools include, inter alia, advance passenger information, passenger name records, INTERPOL databases, national and international watch lists and information obtained through intelligence sources.

Use of advance passenger information

45. In view of the importance of ensuring access to all those information sources, it was worrying to learn that only five of the States included in the survey required airlines to submit advance passenger information, according to available data from the International Air Transport Association. We anticipate that there we will be

significant improvements in those numbers over the next few years, since resolution 2178 (2014) calls on Member States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities in order to detect the departure from or attempted entry into or transit through their territories, by means of civil aircraft, of individuals on the list established and maintained by the Al-Qaida Sanctions Committee. Advance passenger information is particularly useful, since immigration officials are in most instances able to obtain a passenger list well in advance of the arrival of the aircraft. The extra time can be used effectively to cross-check the passenger list against existing lists of individuals who may be foreign terrorist fighters.

INTERPOL I-24/7

46. On a more positive note, the Executive Directorate was able to ascertain that 14 States possess immigration screening systems that are connected in some manner at the front line to the INTERPOL I-24/7 global police communications system and stolen and lost travel documents database. Improved and consistent use of such INTERPOL databases, combined with measures to strengthen the capacity of front-line officials to utilize effective interview techniques that take advantage of all available risk indicators, should make it much more difficult in the future for persons or travel documents included in the databases to cross national borders without being detected.

Smuggling of persons

47. The survey indicates that only 10 of the 21 States have some legal measures in place to criminalize the smuggling of persons, including foreign terrorist fighters. Even among States that do criminalize the smuggling of persons, the penalties for doing so are relatively light. There are therefore relatively few consequences for persons and criminal entities, including terrorist groups, seeking to evade immigration controls to bring in individuals across State borders.

Refugee dimension

48. Resolution 2178 (2014) calls upon States to ensure, in conformity with international law, in particular international human rights law and international refugee law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, including by foreign terrorist fighters. The establishment of a functioning refugee status determination system is an effective way to recognize refugees who require international protection and exclude those, such as terrorists, who are undeserving of such protection. Twelve of the surveyed States have some form of determination procedure in place, but only three were given a rating of "largely" successful or better.

Porous borders

49. Besides the issues covered by specific questions on foreign terrorist fighters, there are several issues in the area of border management that need further consideration. One of the biggest challenges is to stem the flow of foreign terrorist fighters by addressing the issue of "porous borders", where States have little or no resources to deploy effective border controls. To address that shortfall, the most vulnerable parts of those border areas must be urgently identified and the technical

assistance needs of the States concerned addressed in order to facilitate delivery of the required assistance. States should take advantage of coordinated border-management methods as they relate to porous borders, incorporate relevant information and communications technologies, work closely with border communities and develop effective regional cross-border cooperation.

B. Law enforcement

50. A law enforcement response to the foreign terrorist fighter threat requires a holistic approach, both at the national and transnational levels, in order to prevent, detect and suppress the flow of foreign terrorist fighters. Because one of the main characteristics of the foreign terrorist fighter threat is mobility, there is a need for close law enforcement cooperation beyond the national level. Moreover, without the support of the intelligence community, law enforcement responses will lack vital information. Law enforcement can be effective only if the information related to foreign terrorist fighters is accurate, complete and timely. The effectiveness of the law enforcement response will also depend on the level of direct availability of such information to all front-line officers, especially at border crossings, including immigration services and customs authorities. It will also rely on early detection, intervention and prevention, which will be achieved most effectively when law enforcement works closely with local communities, through such measures as community policing.

51. The survey's law enforcement questions cover areas relating to (a) coordinated and centralized information/intelligence sharing, (b) the use of available information, (c) training and (d) international cooperation. A particular concern in that regard is the ability to deny or revoke passports or other travel documents as an effective means to stop foreign terrorist fighters from travelling. Only 1 of the 21 affected States reviewed appears to confiscate passports to prevent people suspected of attempting to become foreign terrorist fighters from travelling. Limited use of that measure may be linked to the legal complexities involved and the time required to introduce the necessary regulations. Lack of political will may also be a factor. It should be recalled that, even though revocation of travel documents may temporarily reduce the number of potential foreign terrorist fighters travelling abroad, it is unlikely to resolve the problem in the long term. In that regard, there exist numerous avenues that would allow a sufficiently motivated individual to legally or illegally secure the travel documents required to facilitate travel, which calls into question the effectiveness of that measure.

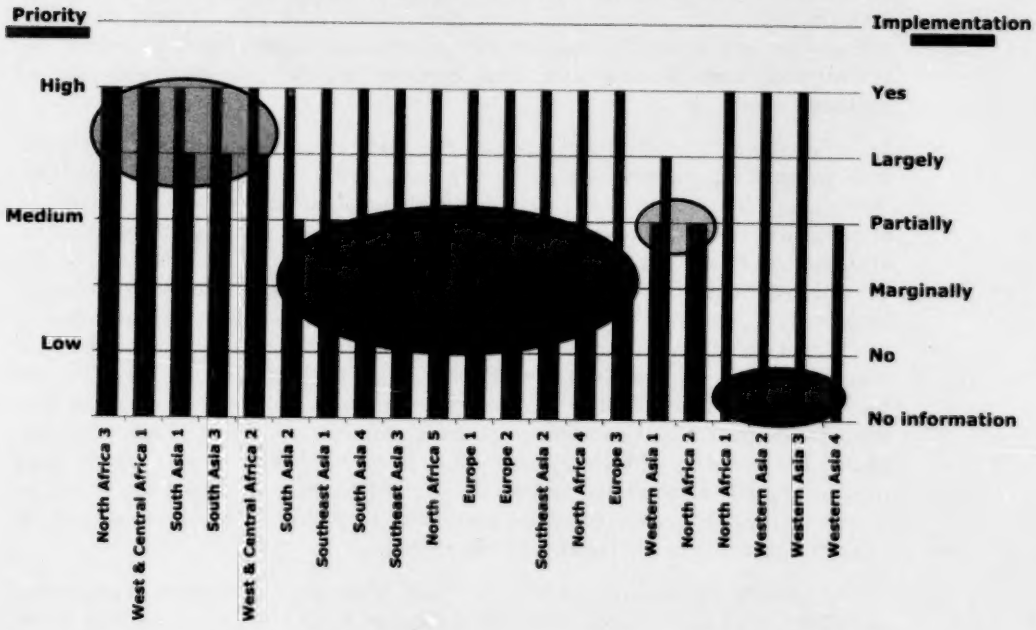
52. Related to the issue of revocation or denial of passports is the issue of revocation of citizenship of dual citizens. Although revocation is not a subject of the survey, the Executive Directorate is aware that a number of States have begun to consider or implement measures to revoke the citizenship of dual citizens suspected of being foreign terrorist fighters and of those planning to travel abroad as foreign terrorist fighters. Such measures effectively prevent the return of such individuals to their State of former citizenship, but they may also simply pass on the associated problems to the individual's State of remaining citizenship. Action by both States of citizenship to revoke may lead to concerns with respect to statelessness. There are also serious due process concerns that may be associated with the manner in which decisions are made to revoke citizenship. It would also be necessary to establish a national mechanism

that allows for the exchange of information between law enforcement services and administrative bodies to guarantee a synchronized approach.

53. The inability of most States to centralize and coordinate the exchange of information at the national level also undermines law enforcement responses. For almost half the Member States surveyed, either no such cooperation takes place or there is no information available as to whether and how it takes place. That is worrying, since "silo thinking", combined with the failure to share information/intelligence, undermines the capacity of Member States to identify foreign terrorist fighters and to implement the necessary measures to prevent their departure or transit to fight abroad as foreign terrorist fighters. Figure 1 illustrates the survey's findings. Areas highlighted in orange and red indicate a situation that requires improvement based on the ratio between the identified priority level and the related implementation rate.

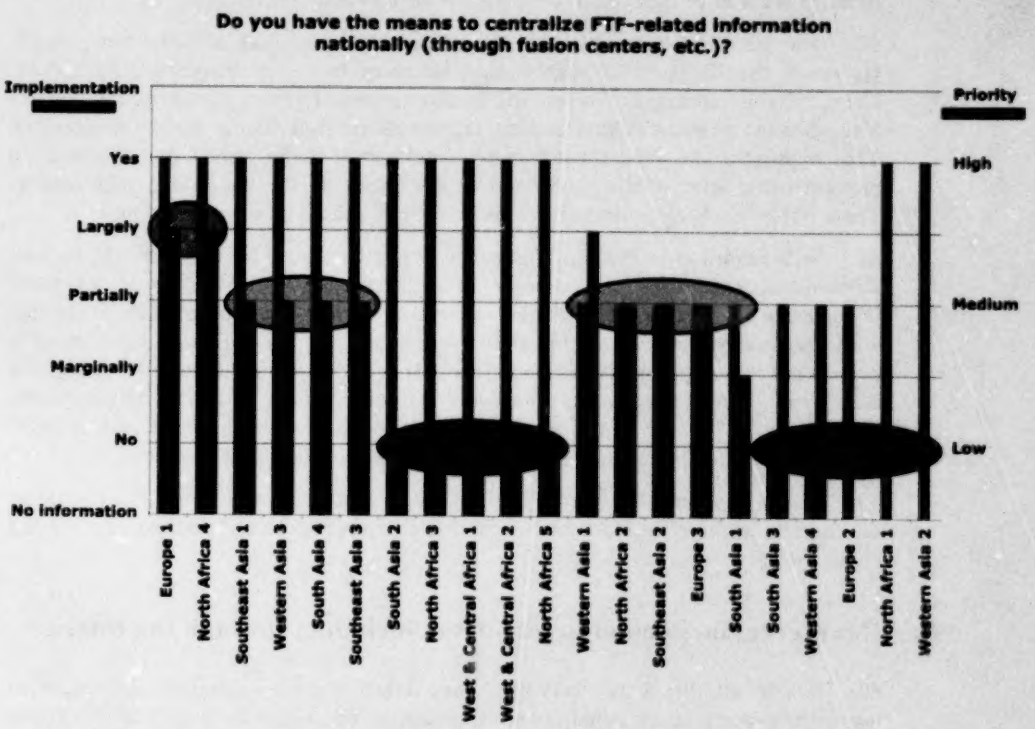
Figure 1

Are law enforcement agencies provided with relevant data acquired by intelligence, particularly from external sources on FTFs?



Abbreviation: FTF, foreign terrorist fighter(s).

Figure 2



Abbreviation: FTF, foreign terrorist fighter(s).

54. The same shortfalls are observed in relation to Member States' capacity to provide timely information on foreign terrorist fighters at the national and transnational levels (see figure 2). If available information cannot be shared immediately with front-line officers, it will be virtually impossible to identify potential foreign terrorist fighters before they have crossed the border into another State. It is therefore essential to establish a functioning 24/7 alert system.

55. Providing information on lost or stolen travel documents to the respective INTERPOL databases is a well-established practice in most of the Member States surveyed. However, there remain considerable differences in implementation levels. The use of lost or stolen travel documents remains a widespread modus operandi for crossing borders. It is therefore important that States develop more capacity in that area, in particular with respect to INTERPOL databases, which are accessible to all its members. Moreover, even if a State has taken steps to revoke passports and/or citizenship, individuals carrying such passports may still be able to travel if the information is not made available to front-line immigration officers and other States.

56. International cooperation is another key requirement for law enforcement in monitoring and detecting foreign terrorist fighter activities. Most of the 21 States reviewed engage in such cooperation, including through the exchange of foreign terrorist fighter-related information across borders. However, it is difficult to

evaluate the quality of those contacts, as the related questions do not provide a detailed account of the type of cooperation or information exchange.

57. The need for transnational information-exchange has already been noted. However, specific consideration should be given to the exchange of intelligence. Using reliable intelligence to prevent foreign terrorist fighters from crossing borders also requires guarantees that actions taken against individuals can be challenged. That highlights the need for actionable intelligence to be turned into evidence to prevent difficulties relating to potential disclosure of the underlying intelligence. The value of exchanging indicators and warnings should also be considered.

58. With regard to individual Member States, it is a cause for concern that, for one third of States that are either countries of origin or countries of destination, (a) there is currently no reliable information available about how law enforcement is dealing with the foreign terrorist fighter phenomenon, and (b) the implementation level is considered to be no higher than "marginal". It is understandable that most States are developing their capacity to effectively address foreign terrorist fighter-related matters, but it is clear that much work needs to be done in the short and medium term to strengthen States' law enforcement response to foreign terrorist fighters.

59. Lastly, it should be noted that the lack of up-to-date and specific information on foreign terrorist fighters makes it difficult to effectively address the related challenges.

C. Countering incitement to terrorism, including through the Internet

60. Nearly all the States surveyed have taken steps to prohibit incitement to terrorism under their criminal laws, as called for by resolution 1624 (2005). Those measures can contribute significantly to stemming the flow of foreign terrorist fighters, since foreign terrorist fighters are often spurred to action by calls to terrorist violence made by others, either in person or through the Internet or other social media. Certain restrictions on the right to freedom of expression, subject to strict requirements, may legitimately be applied, including in cases of terrorist incitement.

61. However, in some cases, legal measures taken against incitement to commit terrorist acts appear to violate States' obligations under international human rights law. In the cases of at least four of the States surveyed, United Nations human rights mechanisms have expressed concern over criminal sanctions reportedly applied against messages that do not rise to the level of incitement, including messages of human rights defenders. There is also a question of proportionality. In at least three States, incitement to terrorism laws provide for exceedingly harsh punishment, including sentences of as long as 30 years or even life imprisonment and, in one case, imposition of the death penalty. Those situations raise important human rights issues and create a risk that counter-incitement to terrorism measures could prove counterproductive, contributing to further radicalization and alienation among parts of the population.

62. Several States have implemented other measures to counter incitement motivated by extremism and intolerance, including through the Internet. At least six produce or facilitate assertive counter-messaging designed to refute terrorist narratives. The subjects of the counter-narratives encompass many different issues,

ranging from interpretations of religious texts to the realities of life in conflict zones and the impact of terrorist acts on their victims. Concerning the terrorist messages themselves, many States seek to take tactical advantage by monitoring them and using them for purposes of intelligence gathering. Some also take more direct action and close websites down, often in cooperation with the private sector, which is becoming more involved in reviewing criminal communications by terrorists and their supporters.

63. Several States are also making active efforts to engage more directly with non-governmental actors, such as local community leaders and religious authorities, in order to present a united front against those seeking to recruit individuals to terrorism and incite terrorist violence. For instance, one State drafted a comprehensive strategy to counter violent extremism that includes the creation of youth vocational training and employment as a flagship intervention, whereas another State deems its efforts at reconstruction and development of traditionally marginalized areas a part of its strategy to counter violent extremism. As for initiatives related to community policing, at least three States explicitly tasked its law enforcement entities with building trust and good communication between law enforcement agents and local communities and their leaders. Moreover, at least seven States have reportedly taken steps towards overseeing religious schools' curriculum design and delivery. At least two States currently facilitate interfaith dialogue at the national level, while Jordan, for example, has been active in launching international and regional interfaith initiatives. A few other States offer training programmes for religious leaders aimed at fostering tolerance and at least one State has advanced concrete efforts to empower women religious leaders.

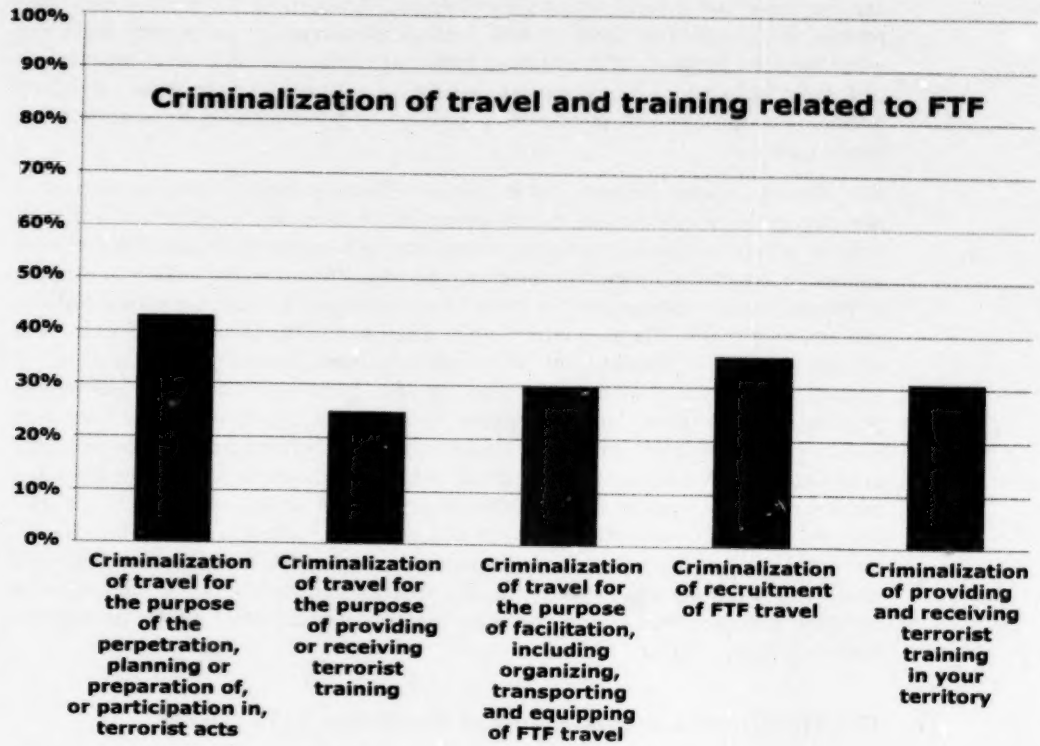
D. Criminalization requirements of resolution 2178 (2014)

64. In reviewing the first group of affected States, the Executive Directorate focused its inquiry on the criminalization aspects of resolution 2178 (2014). A detailed thematic analysis of the challenges faced by Member States in the prosecution of foreign terrorist fighters was submitted to the Counter-Terrorism Committee and subsequently submitted by the Committee to the Security Council (S/2015/123). The present report should be regarded as a continuation of the Executive Directorate's exploration of the issue. Future reports will focus further on how an impartial, ethical and professional criminal justice system will help stem the flow of foreign terrorist fighters and ensure that human rights are respected and upheld in the pursuit of that endeavour.

65. The Executive Directorate found that the vast majority of assessed Member States (16 of 21) do not have comprehensive criminal offences in place to prosecute preparatory or accessory acts conducted in the State with the aim of committing terrorist acts against other States or their citizens outside the State's territory. The average compliance with the criminalization requirements of the resolution is "partially".

66. In order to obtain a more accurate picture of the specific gaps faced by Member States in criminalizing foreign terrorist fighters, the Executive Directorate separated the criminal justice requirements into five separate elements. Figure 3 shows the level of compliance with each of the five elements.

Figure 3


Criminalization of travel and training related to FTF
100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0%
Criminalization of travel for the purpose of the perpetration, planning or preparation of, or participation in, terrorist acts
Criminalization of travel for the purpose of providing or receiving terrorist training
Criminalization of travel for the purpose of facilitation, including organizing, transporting and equipping of FTF travel
Criminalization of recruitment of FTF travel
Criminalization of providing and receiving terrorist training in your territory

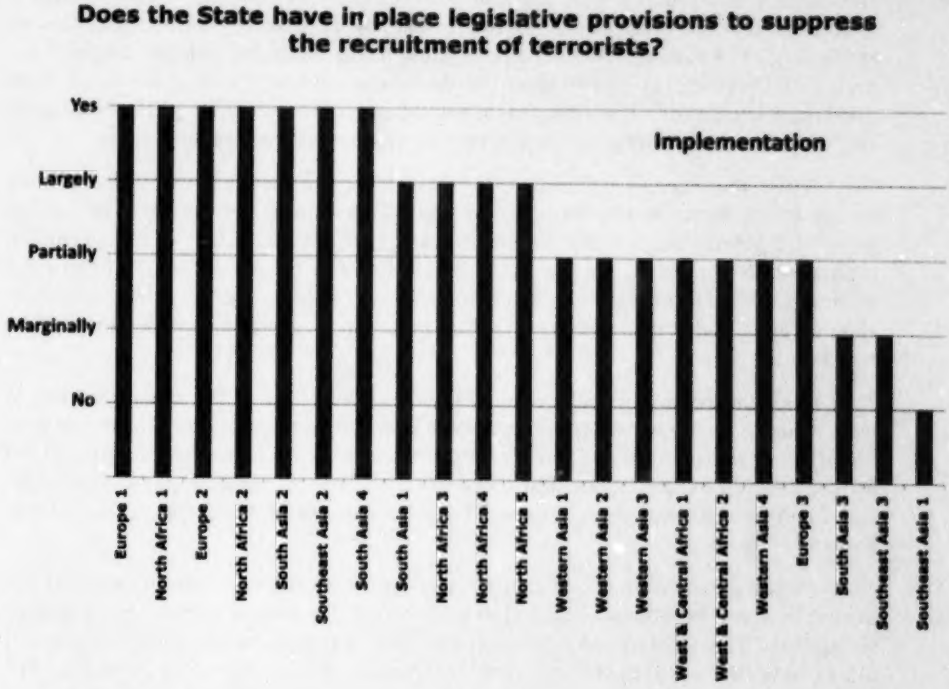
Abbreviation: FTF, foreign terrorist fighter(s).

67. The preliminary information gathered by the Executive Directorate also shows that many of the assessed States have not yet fully criminalized travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts. That is an area of particular concern since, for 16 of the 21 States assessed, the issue is of critical importance. Many are also countries of origin.

68. Three of the 21 countries criminalize facilitation, including organizing, transporting and equipping, of foreign terrorist fighters' travel. Most other countries rely on broad counter-terrorism legislation to cover that requirement. Four States do not have measures in place to criminalize the recruitment of foreign terrorist fighters, and eight do not have measures in place to criminalize the providing and receiving of training.

69. The data reveal that countries generally demonstrate high levels of compliance in criminalizing recruitment for terrorism, as illustrated in figure 4.

Figure 4



70. The high levels of compliance may be attributed to the fact that States are required to suppress recruitment for terrorism by resolution 1373 (2001) and that the efforts of the Counter-Terrorism Committee to promote it have yielded relatively high levels of compliance.

71. The questions relating to providing and receiving training received lower levels of compliance. That may be because other questions are generally perceived to be covered by resolution 1373 (2001) and the phrase "providing or receiving of terrorist training" was first introduced in resolution 2178 (2014).

72. The survey also revealed that "providing training" has been criminalized by more countries than "receiving training" has. That may be because the provision of training is already criminalized by many Member States under existing regional instruments that cover that act or because the more active nature of providing training, compared with the more passive nature of "receiving training", is more easily captured under broader preparatory offences and raises fewer concerns regarding respect for human rights. The Committee could use that information to encourage implementing agencies to focus their programmes on promoting good practices in criminalizing the receiving of training. A good practice recently developed for that purpose is the drafting of an additional protocol to the Council of Europe Convention on the Prevention of Terrorism, which clearly and concisely defines, in its article 3, the offence of receiving training for terrorism.

73. The survey revealed that many of the assessed States rely, in their criminal legislation, on broad or vague definitions, including definitions of terrorism or of

terrorist offences. That not only violates the principle of legality but also diverts law enforcement and prosecutorial attention towards cases that are not violent in nature. It is clear that, in their efforts to implement the criminalization requirements of resolution 2178 (2014), Member States must strike a careful balance between the need to fully cover the requirements of the resolution and the need to refrain from overbroad legislation. The Committee should pay close attention to that challenge and support Member States in their efforts to implement those requirements.

74. While the Executive Directorate is aware of the fact that many States have moved in the direction of adopting new legislation to meet the challenge of foreign terrorist fighters, only a few countries surveyed have enacted specific criminal legislation to implement resolution 2178 (2014), even though for most of them the criminalization requirements of the resolution are of high priority. The Committee should encourage the countries most affected to respond with appropriate legislation.

75. In all the countries analysed in the survey, the office of the prosecutor has at least some capacity. However, except in the cases of five States, the effectiveness of the office is rather limited. There is therefore a need to enhance the authority of the office; develop expertise, including expertise on how to handle complex terrorism cases and in particular foreign terrorist fighter cases; and strengthen technical and human resources.

76. All the assessed States, except for one for which relevant information was not available, have introduced legislation authorizing the use of special investigative techniques. The information gathered does not, however, make clear whether all States have the capacity to use such techniques effectively while providing full respect for human rights and rule of law. The Executive Directorate's past assessments have shown that the effective use of such techniques in counter-terrorism is a global challenge and that many States require assistance in developing effective techniques and mechanisms for ensuring coordination by intelligence, law enforcement and prosecution and respecting rule of law and human rights (see S/2015/123).

77. In assessing the 21 Member States, the Executive Directorate considered basic elements of international cooperation. Its findings show that most of the States in the survey have designated a national central authority for processing requests for mutual legal assistance in criminal matters and for processing extradition requests. In general, those assessed States that did have a designated central authority had also developed and made publicly available guidelines on procedures relating to mutual legal assistance and extradition to inform foreign authorities about requirements.

78. Four of the States surveyed have not yet designated a national central authority for that purpose, however. That is of particular concern because the existence of a designated central authority is essential to international cooperation in criminal matters. With respect to the four States that do not have a national central authority, addressing that issue and providing them with the necessary assistance should be a priority.

E. Terrorist financing

79. The ways in which terrorist organizations secure funding are dynamic and can change rapidly. For now, it would appear that the foreign terrorist fighters moving to join ISIL, in particular, are a relatively small but important source of funding for ISIL. Funding efforts may include foreign terrorist fighters collecting money in their home country for travel, foreign terrorist fighters travelling with funds and diaspora members sending funds to support foreign terrorist fighters, although the financial contributions from such sources are relatively low (see S/2015/123, paras. 31-34).

80. Some foreign terrorist fighters are paid by terrorist organizations, including ISIL, to travel to fight and are financially supported in the country of destination. Terrorist organizations may, therefore, fund the travel and the daily living expenses, training and equipment of foreign terrorist fighters. Officials of one State of those reviewed by the Executive Directorate recently informed the Executive Directorate of the presence of foreign recruiters in its territory who had persuaded its citizens to join ISIL with promises of financial reward in the Syrian Arab Republic.

81. In other cases, foreign terrorist fighters have to pay their own living expenses and may receive funds to that end from their home countries, ranging from several hundred to several thousand dollars. Foreign terrorist fighters continue to access their home bank accounts through the simple use of ATM cards. More ingenious methods have included cases of foreign terrorist fighters fraudulently procuring tax credits to fund their travel and expenses (see S/2015/123, para. 33).

82. Owing to the relatively recent development of the foreign terrorist fighter phenomenon, it is perhaps a little early to expect that States have reviewed existing mechanisms and introduced new mechanisms specifically designed to disrupt and prevent financial support to foreign terrorist fighters. However, most (16 of 21) have developed some mechanisms to disrupt and prevent financial support to terrorists, which may be applied to foreign terrorist fighters. Five assessed countries had few or no mechanisms to address the financing of foreign terrorist fighters. States should be encouraged to review and, if necessary, enhance their existing measures and mechanisms relating to terrorism financing, including the freezing of assets, to respond to the foreign terrorist fighter threat.

83. Only 4 of the 21 States are able to freeze terrorist funds without delay, and 3 others can largely freeze without delay. Twelve States have partial or marginal capacity to do so, and two have no capacity. Considering that it is one of the key requirements of resolution 1373 (2001), the absence of an adequate freezing mechanism is of particular concern. Further efforts should be made to help States establish an operational asset-freezing mechanism, which is essential to the disruption of terrorist financing.

84. Most States have some capacity to exchange financial information with foreign counterparts through their membership in forums such as the Egmont Group, INTERPOL connections, memorandums of understanding or bilateral exchange. Most are able to use those channels to exchange information on foreign terrorist fighter-related matters.

85. National inter-agency information-sharing, in this case financial information, was identified as a major shortfall generally within the affected States. Although no State reviewed has a dedicated national mechanism to ensure that information

regarding foreign terrorist fighters is shared, in a timely manner, by financial intelligence units, customs, law enforcement and other Government agencies involved in countering terrorism financing, several States do have mechanisms to share information concerning terrorism financing across national agencies, and such mechanisms can be used to share information concerning foreign terrorist fighters. Of greater concern is the fact that two countries have only marginal capacity to share information across national agencies, and seven have been assessed to have no capacity to share foreign terrorist fighter information among Government agencies involved in countering terrorism financing.

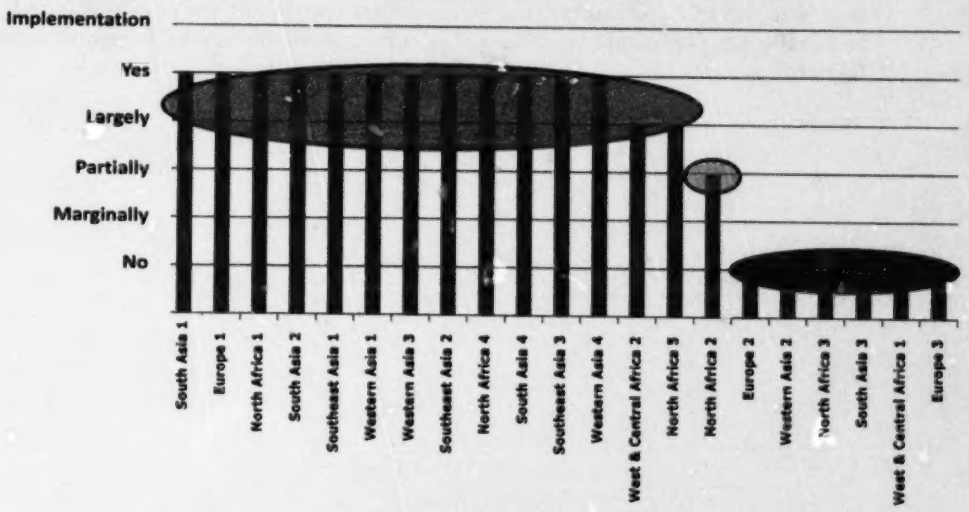
86. Although many States have criminalized the wilful provision or collection of funds for terrorist acts, some States have also introduced legislation to criminalize the financing of the travel of foreign terrorist fighters for terrorism purposes, or the provision or receiving of terrorist training. Twelve States have introduced terrorism-financing legislation that only partially or marginally successfully addresses the financing of foreign terrorist fighter-travel and terrorism-training matters and/or fails to take into account the necessary caveats of the required components of the legislation, such as wilful provision, direct or indirect, intention and knowledge. The assessed countries therefore need to amend their terrorism-financing legislation to comply with the obligation of resolution 2178 (2014).

87. Thirteen of the 21 States have criminalized terrorist financing as a standalone offence, meaning that terrorist financing is criminalized (a) even if the funds have not been used to commit or attempt to commit a terrorist attack, (b) even if funds cannot be linked to a specific terrorist act and (c) specifically and separately from provisions on aiding and abetting. Five others have largely met the above conditions for criminalizing terrorism financing and two others have partially met the conditions. No State has yet modified its legislation to specifically prevent financial support to foreign terrorist fighters and specifically include foreign terrorist fighter-travel in its suspicious transaction report obligations. Only 1 State currently has legislation in place that specifically criminalizes the financing of travel for foreign terrorist fighters, although 11 others have introduced laws that could arguably be applied. The Executive Directorate is concerned, however, that only 12 of the 21 have introduced terrorism-financing offences that cover the financing of both a terrorist organization and an individual terrorist for any purpose. It should also be noted that, despite the introduction of terrorism-financing offences by a number of Member States, very few terrorism-financing cases have been prosecuted worldwide.

88. The foreign terrorist fighter phenomenon is closely related to the increasing incidence of terrorists acting alone or in small cells (see S/2015/123, para. 12). That may be a significant threat related to returning foreign terrorist fighters, who are being exhorted to undertake individual actions in their home countries, and to aspiring foreign terrorist fighters, who may not have acquired the resources to travel or have been prevented from travelling by effective Government action. The Executive Directorate was somewhat concerned, therefore, that only 12 of the 21 States had introduced terrorism-financing offences covering the financing of both a terrorist organization and an individual terrorist (see figure 5).

Figure 5

Does the "terrorist financing" offence in domestic law cover the financing of both an individual terrorist and a terrorist organization?



89. Given that at least one of the 21 Member States has reported to the Executive Directorate on the recruitment of its citizens by foreign terrorist recruiters promising financial rewards and cash to fund foreign travel, the use of declaration or disclosure systems in place to detect the illicit physical cross-border transportation of currency should be considered. Ten States were assessed as "having" or "largely having" such systems in place, whereas 10 others were considered to be only "partially" or "marginally" compliant. One State has no system at all.

V. Initial observations

90. The core message of the present report is that much of the technical work on how to stem the flow of foreign terrorist fighters has already been done. It has been done over the years by States meeting at the United Nations, as well as within the frameworks of other international and regional organizations, to develop the tools to tackle terrorism and other global criminal problems, whether illicit trafficking in narcotic drugs and psychotropic substances, transnational organized crime or corruption. Adaptability does not imply a "reinvention of the wheel" but rather a fresh look at the many existing measures and tools available to States to tackle the challenges posed by foreign terrorist fighters. Resourceful identification and a renewed commitment to the implementation of those measures, and to capacity-building where implementation falls short, will do much to increase States' capacity to stem the flow of foreign terrorist fighters.

91. In producing the present report, the Executive Directorate has identified several important issues that it will cover in more depth in future reports. They include the prevention of radicalization to terrorism and recruitment; analysis of the

existing multilateral legal tools that can facilitate more rapid, direct and operational forms of international cooperation and joint investigations; and measures that can be taken to address the issue of returning foreign terrorist fighters, such as the development of prosecution strategies and policies of reintegration and rehabilitation. The reports, taken as a whole, will provide a comprehensive road map, not just of the measures that States should take but of the priority shortfalls and challenges that should be addressed in order to stem the flow of foreign terrorist fighters.

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Report of the Secretary-General on the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa

I. Introduction

1. The present report is submitted pursuant to the request contained in the statement by the President of the Security Council dated 10 December 2014 (S/PRST/2014/25), in which the Council requested me to keep it informed about the situation in Central Africa and the activities of the United Nations Regional Office for Central Africa (UNOCA). It provides an assessment of the major political and security trends in the Central Africa subregion since my last report, dated 13 November 2014 (S/2014/812), offers an update on progress in the implementation of the UNOCA mandate, and reports on efforts to implement the United Nations regional strategy to address the threat and impact of the activities of the Lord's Resistance Army (LRA) (see S/2012/481).

II. Major developments in the Central Africa subregion

A. Political, peace and security developments and trends

Political developments and trends

2. Since my last report, the political environment has been marked by preparations for upcoming elections, to be held in 2015 and 2016, amid rising tensions.

3. In Burundi, preparations for the parliamentary and presidential elections, to be held respectively in May and June 2015, continued in an increasingly tense political environment. On 25 April, the ruling party, the National Council for the Defence of Democracy-Forces for the Defence of Democracy, nominated President Pierre Nkurunziza as its candidate for the upcoming presidential elections. The announcement sparked a series of protests in Bujumbura which led to violent confrontations between demonstrators and the police, resulting in the loss of lives, injuries and damage to property. As at 4 May, the Office of the United Nations High Commissioner for Refugees reported that 25,000 Burundians had sought refuge in Rwanda, 5,000 more had arrived in the Democratic Republic of the Congo and 2,100 in the United Republic of Tanzania.

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4. Chad continued its preparations for legislative and presidential elections scheduled for 2015 and 2016, respectively. The National Independent Electoral Commission started establishing its local branches and appointed local representatives of the Commission amid criticism from some opposition members concerning the transparency of the selection process. Concerns were also raised on the choice of a technical expert for the biometric voter registration process. Regular consultations among key stakeholders (the Commission, political parties, the opposition and civil society) have been taking place in N'Djamena in order to address outstanding issues.

5. In the Democratic Republic of the Congo, contentious electoral issues centred mainly on the electoral calendar and proposed amendments to the electoral law. From 19 to 23 January, protests broke out in Kinshasa, Goma, Bukavu and elsewhere in the country, over a new electoral law linking the organization of the 2016 presidential and legislative elections to a population census. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) documented the killing of at least 20 civilians and the injury of 64 others by the police and the Republican Guard from 19 to 23 January in Kinshasa and Goma. The opposition claimed that the objective of this move by the Government was to delay the holding of the presidential elections. A revised version of the bill excluding the linkage between the census and upcoming elections was adopted and promulgated on 12 February. On the same day, the National Independent Electoral Commission released an electoral calendar foreseeing the holding of combined presidential and legislative elections on 27 November 2016, preceded by elections at the provincial and local levels in October 2015 and January/March 2016, respectively. The calendar was met with strong criticism from the opposition, which put forward a counterproposal.

6. In the Republic of the Congo, the ruling party, the Parti congolais du travail (PCT), began holding internal consultations on a revised constitution that would enable the President to run for a third consecutive term. On 24 February, more than 60 political parties, including some members of the ruling PCT and civil society representatives, signed a manifesto (*Manifeste de la dynamique*), expressing their concerns regarding the transfer of political power and electoral governance. The signatories called on the President to convene an inclusive political dialogue. The opposition reiterated those concerns in a memorandum on 20 March.

7. In Gabon, senatorial elections were held peacefully on 13 December 2014. The ruling Parti démocratique gabonais won 84 of the 102 senate seats; two seats have yet to be filled because of irregularities. Meanwhile, the Front uni de l'opposition pour l'alternance continued to call for the resignation of the President, before the upcoming presidential election in 2016. Tensions culminated on 20 December 2014 during an unauthorized march organized by the opposition, which resulted in one official death following clashes between protesters and security forces. In his annual address to the nation on 31 December 2014, the President, Ali Bongo Ondimba, announced his readiness to engage in dialogue with the opposition as long as it agreed to respect State institutions and the law. On 4 February, the Government announced the reinstatement of the Union nationale party, which was banned in 2011, and the reactivation of the Conseil national de la démocratie, an advisory body charged with providing an institutional space for political dialogue. On 12 April, André Mba Obame, the co-founder and Executive Secretary of the Union nationale, died.

8. In Equatorial Guinea, in the aftermath of the National Political Dialogue, which ended on 11 November 2014, expectations for an opening of political space and the legalization of all political parties were tempered by a spate of detentions of opposition leaders. In January 2015, prior to the beginning of the Africa Cup of Nations football tournament, opposition leader Celestino Okenve and three other activists, who protested against the country's hosting of the tournament, were arrested and released a few days later. On 17 March, Guillermo Nguema Ela, leader of the unauthorized Fuerza democratica republicana (FDR) party was arrested in Malabo prior to a ceremony aimed at creating a coalition between FDR and two other opposition groups, the Union Popular and the Convergencia para la Democracia Social.

Central African Republic

9. During the reporting period, Central African States and subregional organizations continued to support the political transition in the Central African Republic. They focused on the preparations for the Bangui Forum on National Reconciliation, considered a key milestone for the transition.

10. On 31 January 2015, the President of Chad, Idriss Déby Itno, chaired a meeting of Heads of State of the Economic Community of Central African States (ECCAS). The meeting addressed challenges in the implementation of the Brazzaville Agreement, including the emergence of a parallel mediation process in Nairobi, and reviewed progress on the preparations for the Bangui Forum. On 16 March 2015, the seventh meeting of the International Contact Group on the Central African Republic, held in Brazzaville, took stock of the progress made in the political process and in the implementation of the Brazzaville Agreement. Participants also discussed the issue of funding for disarmament, demobilization and reintegration programmes and for the elections, to be held by August 2015.

11. A parallel process of negotiations was initiated in January in Nairobi, at the request of the ECCAS-appointed mediator, the President of the Republic of the Congo, Denis Sassou Nguesso. On 27 January, the former President of the Central African Republic, François Bozizé, and the former Head of State of the Transition, Michel Djotodia, together with leaders of several ex-Séléka and anti-balaka factions, signed an agreement calling for blanket amnesty and the creation of a third transition. A revised version was initialled on 21 February, in which the earlier demands were abandoned and the Brazzaville Agreement endorsed. On 8 April, a new ceasefire agreement was signed by Joachim Kokate, an anti-balaka representative, and Michel Djotodia, under the auspices of the President of Kenya, Uhuru Kenyatta.

12. From 4 to 11 May, the Bangui Forum on National Reconciliation was held under the presidency of my Special Representative for Central Africa and Head of UNOCA. The opening session was attended by the President of the Congo and the Prime Minister of Chad, Kalzeube Payimi Deubet.

Boko Haram

13. During the reporting period, Boko Haram perpetrated frequent attacks along the Nigeria-Cameroon border and in the northern provinces of Cameroon. Following authorization by the Chadian parliament and an agreement between the President of Chad, Idriss Déby Itno, and the President of Cameroon, Paul Biya, about 2,500 troops

from Chad arrived in Cameroon on 17 January. Chadian troops subsequently engaged Boko Haram directly along the Cameroon-Nigeria border as well as in northern Nigeria. On 12 February, Boko Haram perpetrated its first attack on Chadian soil.

14. In response to the rising threat posed by Boko Haram, the African Union Peace and Security Council authorized, on 29 January, the deployment of the Multinational Joint Task Force for an initial period of 12 months, with a mandated strength of up to 7,500 military personnel. The troop ceiling was subsequently increased to 10,000 military personnel on 3 March. From 5 to 7 February a meeting of experts was held in Yaoundé to advance the operationalization of the Task Force; a strategic concept of operations was agreed upon and subsequently transmitted to the Security Council.

15. At the extraordinary session of the Conference of Heads of State and Government of the Council for Peace and Security in Central Africa, held on 16 February in Yaoundé, Central African leaders decided to establish an emergency fund of CFAF 50 billion to support the military efforts of Cameroon and Chad against Boko Haram. They also agreed to approach the Economic Community of West African States (ECOWAS) to organize a joint ECCAS-ECOWAS meeting of Heads of State to enhance coordination in the fight against Boko Haram in the Lake Chad Basin region. The summit meeting, originally scheduled for 8 April in Malabo, has been postponed.

Lord's Resistance Army

16. The Lord's Resistance Army continued to pose a regional security threat, particularly in the Central African Republic and the Democratic Republic of the Congo. The group is estimated at between 150 and 200, mostly Ugandan, fighters. During the reporting period, it continued to demonstrate resilience by exploiting the lack of State authority and security gaps in remote parts of Central Africa; pursuing opportunistic alliances with other armed groups; and engaging in illicit trade. The LRA presence in the Central African Republic ensured links with other LRA elements in the Democratic Republic of the Congo and facilitated trafficking of ivory, gold and diamonds, including via the Kafia Kingi enclave at the border between southern Darfur in the Sudan and western Bahr-al-Ghazal in South Sudan, where the presence of senior LRA leaders continued to be reported.

17. The surrender of a former senior LRA commander, Dominic Ongwen, on 6 January, and his transfer to the International Criminal Court at The Hague on 20 January, marked an important milestone, allowing for the first international hearing of an LRA commander. His surrender and subsequent transfer highlighted the successful cooperation among a number of different stakeholders involved in the fight against LRA.

18. In 2014 LRA was responsible for fewer than 20 civilian deaths in the Central African Republic and the Democratic Republic of the Congo, compared to 76 civilian deaths in 2013. However, abductions of civilians, mostly adults used as temporary porters, increased to several hundreds. Most LRA attacks occurred in the Haut-Uélé district of Orientale Province, Democratic Republic of the Congo, west of Garamba National Park, and in the Ango territory in Bas-Uélé district. In the Central African Republic, LRA presence was noted in the Mbomou and Haut-Mbomou préfectures bordering the Democratic Republic of the Congo and in the Haute-Kotto préfecture, particularly in the diamond mining area of Yalinga, as well as in the vicinity of Sam Ouandja, close to the Sudanese border.

19. The African Union Regional Task Force, established to combat LRA, continued to make steady progress towards neutralizing the group through the conduct of military operations. In the Central African Republic, the Task Force contributed to the stabilization of the south-east of the country. In the Democratic Republic of the Congo, in the districts of Haut-Uélé and Bas-Uélé of Orientale Province, the Task Force stepped up its efforts to track LRA and to respond to threats against civilians, working closely with the Garamba National Park rangers. During the biannual meeting of LRA focal points, held in March 2015 at Entebbe, Uganda, the Ugandan military representative noted the country's intention to remain engaged within the Task Force, putting to rest rumours of the departure of the Ugandan contingent. The representative, however, continued to express the need for increased support for Ugandan troops in the Task Force.

Maritime security in the Gulf of Guinea

20. Piracy, armed robbery at sea, organized crime and illegal, unreported and unregulated fishing in the Gulf of Guinea still constituted a threat to the peace, security and socioeconomic development of both coastal and landlocked States in the Central and West Africa subregions. Since my last report, 16 incidents of piracy and armed robbery at sea in the Gulf of Guinea were reported by the Global Integrated Shipping Information System of the International Maritime Organization. Little progress was achieved in the implementation of the decisions adopted by the Heads of State and Government of ECCAS, ECOWAS and the Gulf of Guinea Commission at Yaoundé in June 2013, owing to the region's primary focus on addressing the Boko Haram threat and the lack of logistical and financial resources to implement the agreed road map.

Poaching and the illicit wildlife trade

21. LRA and other armed elements continued to be involved in poaching in the Garamba National Park in the Democratic Republic of the Congo where, during the second half of 2014, park rangers reportedly found the carcasses of 131 elephants.

22. In the framework of the Global Programme for Combating Wildlife and Forest Crime, the United Nations Office on Drugs and Crime and ECCAS signed a memorandum of understanding on 16 January 2015, establishing a political framework to tackle the growing problem of poaching and the trade in illicit wildlife in Central Africa. A joint mission of the Office and ECCAS to Gabon, the Congo and the Democratic Republic of the Congo was conducted in February 2015 to advance national strategies to address wildlife trafficking and poaching.

23. On 30 April, a number of Central African Heads of State participated in an international conference on the exploitation of and trade in illicit wildlife in Brazzaville. The event, which was preceded by meetings of ministers and experts, was co-organized by the Congo and the African Union Commission, with the support of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, the United Nations Development Programme, ECCAS, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and other international bodies.

B. Humanitarian developments

24. During the period under review, the humanitarian situation in the subregion remained of concern, owing in large part to the protracted crisis in the Central African Republic and the regional impact of the escalating violence in north-eastern Nigeria on the Lake Chad Basin region.

25. The situation in the Central African Republic continued to have dramatic humanitarian consequences. Persisting insecurity and violent attacks by anti-balaka and ex-Séléka elements prompted new waves of displacement and forced the suspension of basic services in some areas. More than 2.7 million people in the country, representing almost two thirds of the population, need humanitarian assistance. As at 7 April, 436,000 people remain internally displaced, 225,000 of them in host families, 172,000 in sites and 39,000 people remain in the bush. As at 27 April, 457,480 Central Africans were refugees in neighbouring countries. Cameroon is hosting 244,457 refugees, while Chad is hosting 94,024 refugees. The Democratic Republic of the Congo and the Congo are sheltering 94,133 and 24,866 refugees respectively.

26. Meanwhile, the activities of Boko Haram had a direct humanitarian impact on the States of the Lake Chad Basin region, including Cameroon and Chad, which were already affected by the crisis in the Central African Republic. An estimated 74,000 Nigerians sought refuge in Cameroon, and 96,000 Cameroonians were internally displaced owing to cross-border attacks. Host populations in the most affected regions of northern and eastern Cameroon were particularly vulnerable, and the arrival of refugees from both Nigeria and the Central African Republic exacerbated the chronic food and nutrition crisis. In Chad, almost 20,000 Nigerian refugees, 8,500 returnees and 14,500 internally displaced persons fled Boko Haram attacks in the Lake Chad region. Many remained with host communities on small islands in the lake that are difficult to reach with humanitarian aid.

27. The Office for the Coordination of Humanitarian Affairs reported that, by the end of December 2014, the total number of internally displaced persons due to LRA attacks in the affected areas was approximately 180,000, including 162,000 persons in the Democratic Republic of the Congo and 18,000 persons in the Central African Republic. In the Central African Republic, there was a significant increase in the number of abductions and attacks in 2014 (12 deaths and 269 abductions were reported, an increase of 157 and 65 per cent in LRA attacks and abductions, respectively, compared to 2013). In addition, the Democratic Republic of the Congo hosted 19,300 refugees from the Central African Republic who fled the recent upsurge in fighting at the beginning of 2015, arriving in Bosobolo in Equateur Province, while South Sudan hosted 17,000 refugees from the Congo and the Central African Republic. This is a significant reduction from the overall figure of 326,000 displaced persons in the affected areas reported in December 2013. In LRA-affected areas of the Central African Republic, humanitarian organizations continued to provide assistance, although activities of non-governmental organizations decreased as donor attention was focused on other parts of the country. In the Democratic Republic of the Congo, humanitarian assistance in LRA-affected areas visibly decreased as several non-governmental organizations have withdrawn, given the reduction in needs compared to previous years and ongoing crises elsewhere in the country. The underlying risks and vulnerabilities to communities remained unaddressed; the need for early recovery and long-term development activities remained.

C. Human rights trends

28. As a result of the activities of armed groups, including the anti-balaka and ex-Séléka in the Central African Republic and Boko Haram in Cameroon and Chad, the human rights situation in the region has greatly deteriorated.

29. In the Central African Republic, the human rights situation remained grave, with numerous reports of violations and abuses, including killings, looting and destruction of property, violations of physical integrity, and restrictions on freedom of movement. On 15 January, the Commission of Inquiry on the Central African Republic, established pursuant to Security Council resolution 2127 (2013), issued its final report. The Commission concluded that the main parties to the conflict — the Central African armed forces, ex-Séléka and anti-balaka — perpetrated systematic violations of international human rights and humanitarian law since 1 January 2013, amounting to war crimes and crimes against humanity, including, in the case of the anti-balaka, ethnic cleansing.

30. Boko Haram launched several attacks, killing civilians, looting, and burning down villages on the shores of Lake Chad hosting thousands of Nigerian refugees. In the Far North Region of Cameroon, Boko Haram abducted children and killed civilians, especially those who refused to join their fighters. Frequent incidents of sexual and gender-based violence against women were reported and women were systematically taken into captivity for forced marriages.

31. At least 120 schools were abandoned or destroyed in the affected localities and more than 4,500 young children and 1,000 older students are reportedly not attending school or higher education, respectively. Access to health services has also been affected: there are reports of health centres completely destroyed or closed down in border localities between Cameroon and Nigeria.

32. Concerns were raised over alleged human rights violations during counter-insurgency operations against Boko Haram. The Office of the United Nations High Commissioner for Human Rights (OHCHR) implemented awareness-raising and capacity-building activities on international human rights and humanitarian law standards and norms applicable in the counter-terrorism context for security and defence forces. States members of the Lake Chad Basin Commission and Benin further prioritized the integration of those standards and norms, within the framework of the establishment of the Multinational Joint Task Force.

33. Meanwhile, States of the subregion continued their cooperation with the United Nations human rights treaty bodies. On 17 February 2015, Gabon was reviewed during the sixtieth session of the Committee on the Elimination of All Forms of Discrimination against Women. In March 2015, capacity-building initiatives targeting national authorities and civil society leaders were carried out in the Congo and Equatorial Guinea to strengthen the capacity of the two countries to prepare and submit reports to treaty bodies and to implement their concluding observations and recommendations.

D. Socioeconomic trends

34. The Central Africa subregion was increasingly affected by the recent sharp fall in oil prices. As a result of the sudden decline in income from oil production, a

number of countries in the subregion were obliged to revise their national budgets. It is estimated that economic growth in the countries of the Central African Economic and Monetary Community (CEMAC) will slow as a result of the fall in oil revenues. Combined with a 3.3 per cent increase in the consumer price index at the end of 2014, a reduction in foreign investment, lower fiscal expenditure on social services, and increases in taxation and unemployment, these elements could exacerbate political and social tensions in a number of countries that are preparing for elections.

35. Increased social tensions were observed in a number of Central African States. In some cases, demonstrations turned violent. In Chad, in mid-November, there were violent demonstrations in N'Djamena, Moundou and Sarh, triggered by recurring fuel shortages and the demands of teachers and students. In Gabon, on 18 December, protesting students clashed with security forces, while early in February a coalition of unions that includes civil servants and teachers, the Dynamique unitaire, went on strike to demand wage increases.

36. The increasing activities of armed groups, notably Boko Haram, had an adverse impact on the socioeconomic situation of the affected countries. Insecurity caused by Boko Haram attacks and resulting border closures negatively affected economic activities and trade in northern Cameroon and in the Lake Chad region.

III. Activities of the United Nations Regional Office for Central Africa

37. On 8 December 2014, the Gabonese authorities informed my Special Representative that they had allocated new premises to the Office in a prime location in Libreville. UNOCA is currently finalizing all the necessary legal and administrative arrangements related to the move.

A. Good offices, preventive diplomacy and peacebuilding

38. During the reporting period, UNOCA remained engaged with key stakeholders in order to help prevent conflict and promote regional peace and security. On 13 November, my Special Representative briefed members of the diplomatic corps in Libreville on the peace and security situation in the subregion and on the activities of UNOCA.

39. My Special Representative attended the twenty-fourth ordinary session of the Assembly of Heads of State and Government of the African Union on 30 and 31 January and took part in high-level meetings relevant to the UNOCA mandate. He also undertook a number of country-specific activities.

Burundi

40. On the sidelines of the thirty-ninth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, my Special Representative held, on 5 December in Bujumbura, an introductory meeting with the President of Burundi, Pierre Nkurunziza. The audience took place just prior to the end of the mandate of the United Nations Office in Burundi on 31 December 2014 and its replacement by the United Nations Electoral Observer Mission in Burundi (MENUB) on 1 January 2015. My Special Representative discussed with the Head of State the current political situation in the country. Subsequently, on the sidelines

of the twenty-fourth African Union summit, my Special Representative held bilateral consultations with the Foreign Minister of Burundi regarding growing political tensions in that country.

41. Meanwhile, on 25 April, I dispatched my Special Envoy to the Great Lakes Region, Said Djinnit, to Burundi for consultations with President Nkurunziza and other Government authorities, political party leaders and members of the diplomatic community. My Special Envoy has been leading diplomatic efforts to foster conditions for the resumption of the political dialogue that MENUB had initiated. In that regard, the Ministry of the Interior of Burundi convened a political dialogue on 5 and 6 May, with the support of MENUB, to seek common ground for creating conditions for the holding of peaceful, inclusive and credible elections in Burundi.

Central African Republic

42. My Special Representative continued his role as the United Nations representative in the international mediation on the crisis in the Central African Republic, in close collaboration with my Special Representative for the Central African Republic and Head of the United Nations Multidimensional Integrated Stabilization Mission in that country (MINUSCA). He continued to facilitate coordination, kept the parties engaged and provided guidance to advance the mediation process.

43. My Special Representative travelled to Brazzaville four times and had regular exchanges with the ECCAS-appointed mediator, the President of the Congo. Their discussions focused on challenges regarding the implementation of the Brazzaville Agreement and preparations for the Bangui Forum.

44. On 31 January, my Special Representative participated in the meeting of ECCAS Heads of State chaired by the President of Chad. He urged Central African States to focus on the timely conclusion of the transition in the Central African Republic. He also held bilateral consultations with the Presidents of the Congo and Gabon and the President of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo, and in-depth discussions with the Ministers for Foreign Affairs of Angola, Chad and the Congo regarding the situation in the Central African Republic. In addition, he held consultations with the Foreign Minister of Benin, regarding the role of the former Head of State of the Transition, Michel Djotodia.

45. My Special Representative undertook two missions to the Central African Republic. From 24 to 28 February, he met with the transitional authorities and with leaders of the ex-Séléka and anti-balaka in Bangui, prior to his participation in the seventh meeting of the International Contact Group, held in Brazzaville on 16 March. From 10 to 12 March, he briefed the Security Council on his visit to Bangui and the main challenges of the transition and consulted further with the transitional authorities and international partners.

46. My Special Representative also provided valuable guidance on the issue of the controversial initiative taken in Nairobi, which resulted in the signing of an accord in January by the two previous leaders of the country. He conducted a diplomatic campaign engaging leaders of the region to make clear to all parties that the parallel initiative was entirely outside the Brazzaville process, and he recommitted the country's stakeholders to engaging within the existing framework for the transition.

47. My Special Representative presided over the Bangui Forum on National Reconciliation. Before the meeting, he held extensive consultations with representatives of all the stakeholders to be represented in the Forum.

Gabon

48. During the reporting period, my Special Representative continued his efforts to defuse election-related tensions by encouraging Gabonese political actors to engage in constructive dialogue, particularly following the demonstrations held in Libreville on 20 December 2014.

49. In that regard, he met regularly with key leaders of the opposition, including an influential member of the Front uni de l'opposition pour l'alternance, Jean Ping, and the leader of the Union nationale, Zacharie Myboto. He also met with the Secretary-General of the ruling Parti démocratique gabonais, Faustin Boukoubi, to seek the majority's views on the political situation. He further exchanged views with key government officials, including the Prime Minister, the Minister of Defence, the Minister of Human Rights, the President of the Constitutional Court and the Speaker of Parliament, and with representatives of Gabonese civil society and members of the diplomatic community.

50. In his meetings with national stakeholders, my Special Representative reiterated to Gabonese actors my calls to refrain from violence and engage in an inclusive and constructive political dialogue. He urged Gabonese stakeholders to take the necessary measures to preserve peace and stability in Gabon. He further stressed the importance of elevating the level of political debate by focusing on key issues for the country. My Special Representative's efforts contributed to the reinstatement of the formerly banned opposition political party, the Union nationale, as well as to the reactivation of the Conseil national de la démocratie by the Government.

51. On 3 March, my Special Representative was received by the President of Gabon, who thanked the United Nations for its efforts to defuse the political tensions in his country and reaffirmed his commitment to open dialogue on concrete issues of political significance.

Republic of the Congo

52. In January, my Special Representative met with different political stakeholders in Brazzaville, including members of the ruling Parti congolais du travail, in order to assess the political landscape in response to the growing internal debate regarding a constitutional change that would allow President Sassou Nguesso to stand in the 2016 presidential elections.

United Nations Standing Advisory Committee on Security Questions in Central Africa

53. In its capacity as secretariat, UNOCA organized, from 1 to 5 December in Bujumbura, the thirty-ninth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa. States members of the Committee adopted the Declaration of Bujumbura, in which they firmly condemned Boko Haram attacks in northern Cameroon; noted the serious impact of the group's activities in Cameroon and Chad; proposed that the Boko Haram issue be included in the agenda of the next ECCAS meeting of Heads of State; and requested my

Special Representative to highlight this issue to the Security Council. The Committee welcomed the proposal of Angola to host the fortieth meeting of the Committee, scheduled for 1 to 5 June.

54. From 24 to 26 February 2015, UNOCA, in partnership with the United Nations Counter-Terrorism Centre, the Counter-Terrorism Committee Executive Directorate and the Government of Angola, organized a workshop on human rights and the prevention of violent extremism in Luanda. The meeting represented the third in a series of workshops, which emerged from the initiative of States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, to advance the development of an integrated strategy on counter-terrorism and the non-proliferation of small arms and light weapons in Central Africa.

Elections

55. UNOCA and the OHCHR Regional Office co-organized, from 6 to 8 May in Douala, Cameroon, a seminar dedicated to the role of the media in the organization and promotion of peaceful electoral processes in Central Africa, with a focus on journalistic ethics and responsibility.

56. UNOCA planned its third meeting of United Nations presences in Central Africa, which includes dedicated discussions on elections in Central Africa. The meeting is to be held on 17 and 18 May.

B. Support to subregional initiatives

Mediation

57. UNOCA continued to provide support to the subregion in the area of mediation. With operational mediation expertise provided by the Mediation Support Unit of the Department of Political Affairs, UNOCA participated in a workshop, organized by ECCAS in N'Djamena from 24 to 27 February, to review the institution's mediation architecture. Participants adopted several recommendations for enhancing the mediation capacity of ECCAS. UNOCA played a key role in facilitating cooperation between ECCAS and the African Ombudsman and Mediators Association in Central Africa.

58. On 30 and 31 March, in N'Djamena, UNOCA participated in a meeting of the Central Africa group of the African Ombudsman and Mediators Association, which included the participation of the mediator of Chad and the vice-mediator of Gabon. Participants discussed ways to enhance the role and impact of national mediators during political crises and to support the establishment of those institutions in Central African States where they do not exist.

Regional integration

59. On 23 January, my Special Representative met with the President of the Commission of CEMAC to discuss the overall situation in the subregion and the organization of a joint activity to promote greater regional integration. This was followed by working-level consultations in February to advance the development of a UNOCA-CEMAC framework of cooperation and a plan for joint activities.

60. From 3 to 6 February, in Yaoundé, UNOCA participated in a technical meeting, co-organized by ECCAS and the World Health Organization (WHO), aimed at developing a regional integrated strategic framework in response to a potential outbreak of the Ebola virus disease in Central Africa. The meeting brought together, inter alia, participants from the Ministries of Health, Defence, the Interior, Economic Affairs and Justice of ECCAS member States.

C. Boko Haram

61. On 28 November in Yaoundé, my Special Representative met with the Minister Delegate at the Cameroonian Presidency in charge of national defence to discuss the impact of Boko Haram on Cameroon and the measures taken by the country to address the threat.

62. During the twenty-fourth African Union summit, my Special Representative participated in the 484th meeting of the African Union Peace and Security Council, convened on 29 January, during which Heads of State exchanged views on cooperative security measures to address the Boko Haram threat. At the ECCAS meeting of Heads of State held on the sidelines of the summit, on 31 January, my Special Representative highlighted the growing impact of Boko Haram on Central Africa and the need for a comprehensive and coordinated approach.

63. UNOCA participated in a number of technical meetings to advance the operationalization of the Multinational Joint Task Force to provide advice and assistance. These included the fourth meeting of Ministers of Defence, Chiefs of Defence Staff, Heads of Intelligence and Security of the States members of the Lake Chad Basin Commission and Benin, held in Abuja from 24 to 26 November 2014, and a meeting of experts, held in Yaoundé from 5 to 7 February, to finalize the strategic concept of operations of the Multinational Joint Task Force and related technical documents.

64. On 16 February in Yaoundé, my Special Representative attended the extraordinary summit meeting of the Council for Peace and Security in Central Africa (COPAX) devoted to combating Boko Haram, during which he delivered an address on my behalf. The meeting was preceded by a meeting of the COPAX Council of Ministers and the Commission for Defence and Security, in which my Special Representative and the UNOCA Military Adviser also participated. My Special Representative consulted extensively with numerous stakeholders on the sidelines of the event. The meeting resulted in the adoption of the Yaoundé Declaration, in which countries commit themselves to providing funding to support the region's military efforts and humanitarian response, and call for the organization of a joint ECCAS-ECOWAS summit.

65. UNOCA also supported ECCAS and the Ministry of Health of Gabon in hosting a meeting, on 12 March in Libreville, to develop a humanitarian response action plan for Boko Haram-affected populations. Participants, including representatives of the Office for the Coordination of Humanitarian Affairs, the United Nations Population Fund, the United Nations Children's Fund, WHO and the Food and Agriculture Organization of the United Nations, agreed to improve information-sharing between ECCAS and United Nations entities while engaging with national and regional humanitarian coordination structures and ECOWAS.

66. From 13 to 16 April, my Special Representatives for Central and West Africa undertook a joint diplomatic tour of Boko Haram-affected countries in the Lake Chad Basin region and Benin. They met with the Presidents of Benin, Chad, the Niger and Nigeria, the Prime Minister of Cameroon, and the President-elect of Nigeria.

D. Coordination of the implementation of the United Nations regional strategy to address the threat and impact of the Lord's Resistance Army

67. From 25 November to 1 December 2014, UNOCA participated in a joint mission led by the African Union Special Envoy for the Lord's Resistance Army Issue, General Jackson Tuwei, to Bangui, Kinshasa and Kampala to sustain the commitment of Governments of LRA-affected countries and key partners in the United Nations regional strategy to address the threat and impact of the activities of LRA and the African Union Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army.

68. My Special Representative and the African Union Special Envoy participated in the meeting of the International Working Group on LRA, held in New York on 11 December 2014. During the meeting, my Special Representative underlined the Group's role in mobilizing donors and called for renewed commitment to and financing for the operations of the African Union Regional Task Force, reintegration programming, and development and rehabilitation efforts in LRA-affected zones.

69. On 2 and 3 March 2015, UNOCA convened the biannual meeting of LRA focal points at Entebbe, Uganda, which was held at the expert level. Participants included LRA focal points from United Nations entities, bilateral government partners, non-governmental organizations, representatives of civil society from LRA-affected areas and, for the first time, ECCAS. They took stock of efforts undertaken in the context of the United Nations and African Union regional strategies and reviewed recommended actions for the way forward.

70. From 20 to 24 April, my Special Representative and the African Union Special Envoy travelled to Kampala. The mission met with national authorities and other key stakeholders to discuss the ongoing counter-LRA efforts. They highlighted the need to increase support to the Regional Task Force; coordination among the United Nations missions, the African Union, and other actors; and development and reintegration interventions in LRA-affected areas.

Operationalization of the African Union Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army

71. UNOCA continued to advocate for increased support to the Regional Task Force with African Union officials as well as with partners involved on the LRA issue. It also continued to politically engage troop-contributing countries to sustain their commitment to the Task Force. The United Nations Mission in South Sudan (UNMISS) continued to be involved in providing logistical support, mainly in the form of access to United Nations flights, to staff of the Regional Task Force headquarters in Yambio, South Sudan. Meanwhile MONUSCO continued to extend operational coordination and logistical support to the Congolese contingent of the Task Force.

Protection of civilians and child protection

72. MONUSCO maintained and reinforced existing protection mechanisms in LRA-affected areas. This included joint patrols and military operations that involved MONUSCO forces, the armed forces of the Democratic Republic of the Congo, the Garamba National Park rangers and United States military forces. MONUSCO also set up new community protection plans and extended the community alert network, while community liaison assistants facilitated coordination between military forces and local stakeholders. Meanwhile, UNMISS continued to provide technical and logistical support for repatriation and family reunification for LRA escapees, including in the context of technical support provided to the Child Transit Centre run by the Government of South Sudan.

Activities relating to disarmament, demobilization, repatriation, resettlement and reintegration

73. United Nations entities, non-governmental organizations, government partners and civil society continued to engage in efforts to encourage LRA defections and to strengthen community protection capacity in the face of the LRA threat. Those efforts included the broadcasting of aerial "come home" messages and the distribution of flyers as well as the establishment of early warning systems. Partners were also engaged in efforts to ensure that communities welcome and reintegrate LRA escapees, while offering vocational training and psychosocial support. MONUSCO processed 25 LRA escapees.

Long-term development and peacebuilding support

74. MONUSCO continued conducting and supporting activities to facilitate the establishment of State authority in LRA-affected areas. These included financial and logistical support to strengthen the justice sector; State and civil society capacity-building; advocacy for the protection of civilians; and key road rehabilitation infrastructure projects. Nevertheless, the lack of funding for protection, reintegration and development programmes in LRA-affected areas, including for LRA child returnees, remains a serious challenge. As a result, several projects have recently closed in the Democratic Republic of the Congo and the Central African Republic.

E. Maritime security in the Gulf of Guinea

75. On 3 December 2014, in Accra, UNOCA took part in the meeting of the Group of 7 Friends of the Gulf of Guinea Group, with the participation of ECCAS, ECOWAS, the Gulf of Guinea Commission and the United Nations Office for West Africa (UNOWA). Regional stakeholders and external partners discussed ways to increase coordination, including with United Nations regional offices, while representatives of the private sector committed themselves to supporting the Yaoundé process. In line with Security Council resolutions 2018 (2011) and 2039 (2012), UNOCA and UNOWA provided support to ECCAS, ECOWAS and the Gulf of Guinea Commission in the implementation of the decisions of the Yaoundé summit of June 2013.

F. United Nations cooperation

76. At the invitation of my Special Envoy to the Great Lakes Region, UNOCA participated in a brainstorming session of Special Envoys and partners from the Great Lakes region, held in Nairobi on 17 and 18 November 2014, to examine the current situation in the region and take stock of the implementation of national and regional commitments related to the Peace, Security and Cooperation Framework. Discussions focused on defining common approaches to the different crises in the region and priority actions to address political, electoral, security, economic and humanitarian challenges.

77. On 20 February, my Special Representative met with the Regional Representative of the United Nations Office on Drugs and Crime in Libreville to discuss strengthened cooperation and joint support to ECCAS for the development of a regional strategy on poaching.

78. On 10 April, my Special Representative participated in a retreat with UNOWA and the Office of the Special Envoy to the Sahel to discuss synergies among the three Offices and identify areas to strengthen cooperation.

79. My Special Representatives for Central Africa and West Africa participated, on 19 April in Yaoundé, in a meeting of resident coordinators from Boko Haram-affected countries in order to increase political and operational coordination among relevant United Nations entities.

IV. Strategic review of the United Nations Regional Office for Central Africa

80. In advance of the renewal of the UNOCA mandate in August, the Department of Political Affairs led an inter-agency strategic review mission to Libreville from 26 to 28 March 2015. The purpose of the mission was to review the scope of the Office's mandate and activities in the light of the current regional political and economic environment, the available financial and human resources, and the mission's structure, as well as cooperation with other United Nations, regional and subregional actors. On the basis of its consultations with various stakeholders, the outcome of the discussions with UNOCA staff members and informed by its own observations and risk assessment, the review team adopted a series of recommendations.

81. The strategic review team recommended that UNOCA should focus on the strategic areas of work that are clearly recognized as strengths of the Office by its stakeholders and for which UNOCA has a comparative advantage.

82. In that regard, the review team recommended that UNOCA should focus on the following four strategic priorities and related tasks:

(a) **Strengthening good offices, preventive diplomacy and mediation.** This includes the international mediation on the crisis in the Central African Republic, as well as support to countries approaching elections or facing institutional crisis; and strengthening the capacity for conflict prevention, mediation and peace consolidation of subregional actors;

(b) **Supporting United Nations, regional and subregional initiatives on peace and security.** This includes promoting and supporting regional and

subregional efforts to address the impact of emerging security threats; coordinating the implementation of the LRA strategy; cooperating with subregional organizations, including CEMAC, ECCAS, the Gulf of Guinea Commission, the Lake Chad Basin Commission and other partners and assisting them, as appropriate, in the promotion of peace and stability and in the strengthening of their capacities;

(c) **Enhancing coherence and coordination in the work of the United Nations in the subregion on peace and security.** This includes increasing internal United Nations exchanges, collaborations, and joint initiatives within the subregion;

(d) **Strengthening the capacity to advise the Secretary-General and United Nations entities in the region on significant peace and security developments in Central Africa.** This includes the establishment of a dedicated analytical unit integrated to provide analysis and reports on the situation in the countries of the region and regional trends.

83. As the region of Central Africa is entering an electoral cycle that will end in 2018, with growing security concerns, it is recommended that the periodicity of renewal of the UNOCA mandate be increased from 18 months to 36 months. Such an approach would align the periodicity of the UNOCA mandate to that of other regional offices.

84. In order to undertake the aforementioned priorities, a strengthening of UNOCA capacities is critical. Therefore, the review team recommended that the Political Affairs Section be significantly strengthened and its profile elevated to better advise the Special Representative of the Secretary-General and represent him at high-level meetings. The review team also recommended the establishment of a dedicated political reporting and analysis unit, as well as mediation capacity within the Political Affairs Section, and dedicated capacity on LRA; security trends; early warning on risks in relation to electoral processes and assessment of electoral developments, and promoting the inclusion of human rights and greater involvement of women in the regional peace and security agenda. The review team noted that UNOCA would greatly benefit from the recruitment of seconded military and police advisers. Finally, UNOCA should explore creative ways of mobilizing financial and human resources to support core capacities or to obtain specific short-term expertise.

85. The review team also agreed on a set of principles to rightsize the mission support component to ensure economies of scale, improve service delivery and balance the current ratio of support to substantive staff. With regard to the mission's mobility challenges, the review team recognized the need to improve the Office's access to air assets. The review team recommended that UNOCA be used as a pilot case for the new charter arrangements as soon as possible so that the effectiveness can be judged prior to the budget submission.

V. Observations and recommendations

86. I am deeply concerned about the ongoing activities of Boko Haram and their destabilizing humanitarian, human rights and security impact on the Central Africa region, particularly northern Cameroon. I welcome the continued efforts by regional and subregional actors and partners to address this growing challenge. I encourage ECCAS and ECOWAS to hold the planned meeting of Heads of State to address the root causes of the Boko Haram insurgency in a holistic and integrated manner. I also

welcome the commitment of Central African States to advance the road map for the development of the integrated strategy on counter-terrorism and small arms and light weapons for Central Africa. UNOCA will continue to support these efforts in collaboration with the relevant United Nations entities involved.

87. I remain gravely concerned about the situation in the Central African Republic and its impact on the people of the country, as well as its implications across the region. Central African States and institutions have played an essential role in addressing the crisis, in collaboration with the United Nations and the African Union. ECCAS has shown commitment to finding a solution to the crisis in the interest of fostering peace and greater stability in the subregion. The Bangui Forum is a clear demonstration of national unity and ownership of the country's reconciliation process. The momentum generated by the Bangui Forum, within the current framework for the peace process, should be used constructively to advance the transition, and actively prepare for the timely holding of elections. In that regard, the continued leadership and support of my Special Representatives, Abdoulaye Bathily and Babacar Gaye, are critical.

88. I commend the efforts of the Governments of the subregion, United Nations entities, national and international non-governmental organizations and other partners in addressing the effects of the crisis in the Central African Republic on neighbouring countries. In that regard, I reiterate my call to the international community to urgently provide the requisite financial support to the underfunded inter-agency Central African Republic Regional Response Plan, which will assist the States concerned in addressing their growing humanitarian needs.

89. Maritime insecurity in the Gulf of Guinea remains an issue of concern. I encourage States and regional and subregional organizations to remain committed to fully implementing the decisions of the Yaoundé summit. I also call on States in the region and partners to provide the necessary resources towards ensuring the adequate functioning of the Interregional Coordination Centre and the operationalization of the Regional Centre for Maritime Security in Central Africa and the Regional Centre for Maritime Security in West Africa. UNOCA, in collaboration with UNOWA, will continue to assist the region to achieve these objectives.

90. I am concerned by continuing reports of poaching and illicit wildlife trafficking in Central Africa and the links between the illicit wildlife trade and armed groups in the subregion, including LRA. I reiterate my call on Central African Governments and ECCAS to work together on a subregional strategy to address this disturbing phenomenon. UNOCA will continue to support the subregion, in collaboration with the United Nations Office on Drugs and Crime and other United Nations partners, to develop a coherent and concerted approach to address this issue.

91. I welcome the continued progress made against the threat posed by LRA and acknowledge the fruitful cooperation between UNOCA and the African Union in this regard. I recognize, in particular, the critical support provided by the United States and the European Union to the collective international effort against LRA. I am also especially grateful for the dedication and commitment of troops of the Regional Task Force and contributing countries. In particular, I welcome Uganda's continuing commitment to the operations of the Regional Task Force in the Central African Republic.

92. I am concerned by the reported movement of the bulk of LRA into the Democratic Republic of the Congo. I call upon the affected States to enhance

cooperation to deny the group safe haven in their country. As I mentioned in my previous report, I welcome the invitation extended to the African Union by the Government of the Sudan to verify reports of LRA presence in Kafia Kingi, and I encourage the African Union Commission and the African Union Peace and Security Council to take steps to verify the allegations. I welcome efforts thus far undertaken by the countries participating in the African Union Regional Cooperation Initiative for the Elimination of LRA, and I call on them to remain politically committed to tackling the LRA issue and to fulfilling their troop pledges to the Regional Task Force. Given the declining presence of humanitarian actors in many LRA-affected areas, I draw particular attention to the need for donors to support early recovery activities in order to restore basic livelihoods and essential services for affected communities in those areas.

93. The surrender of former LRA commander Dominic Ongwen is a significant achievement, signalling that the collective international efforts are bearing fruit. I commend the cooperation among the Governments of the Central African Republic, the Netherlands, Uganda and the United States and the support provided by MINUSCA, the Regional Task Force and the International Criminal Court in facilitating his expeditious transfer to the Court at The Hague. Ongwen's transfer to the Court represents a first step towards accountability for LRA crimes and justice for the thousands of LRA victims.

94. The mandate of UNOCA has expanded over time following decisions of the Security Council and developments in the region. Five years after its establishment, UNOCA has demonstrated its added value for the subregion and for the United Nations work in Central Africa. The strategic review recognized the need to maximize the potential of UNOCA to continue to serve as an important tool in the area of preventive diplomacy in Central Africa. In the light of the growing security concerns in Central Africa, the electoral cycle that will end in 2018, and the need to support regional initiatives, there is a need to adjust the content and duration of the UNOCA mandate, and to provide the Office with adequate capacities. I therefore encourage Member States to support the recommendations of the strategic review.

95. I would like, once again, to express my appreciation to the Governments of Central African countries, ECCAS, CEMAC, the African Union, the Gulf of Guinea Commission, the International Conference of the Great Lakes Region, the Lake Chad Basin Commission and other subregional and regional institutions for their continued collaboration with UNOCA. I thank the various entities of the United Nations system working in Central Africa, including the heads of United Nations peace operations, regional offices, country teams and other relevant entities, for their support and cooperation with UNOCA.

96. I would like to reiterate my appreciation to the Government and the people of Gabon for their hospitality and constant assistance to the regional Office. I would also like to thank them for their recent allocation of new premises to the Office, which will contribute significantly to the functioning of UNOCA.

97. Finally, I would like to thank my Special Representative, Abdoulaye Bathily, and the staff of UNOCA for their continuing efforts to advance the cause of peace and security in Central Africa.

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Letter dated 15 May 2015 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as at 5 May 2015 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Judge Vagn **Joensen**
President

15-07758 (E) 270515

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Enclosure

Report on the completion strategy of the International Criminal Tribunal for Rwanda as at 5 May 2015

[Original: English and French]

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Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("the Tribunal") formalized a strategy ("the completion strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008 and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the progress of the Tribunal to date in implementing the completion strategy, which has continued to be updated and developed since 2003.[1]

3. As at 5 May 2015, the Tribunal had completed its work at the trial level for all 93 accused indicted by the Tribunal. This includes 55 first-instance judgements, involving 75 accused, 10 referrals to national jurisdictions (4 apprehended accused and 6 fugitive cases), 3 top priority fugitives whose cases have been transferred to the International Residual Mechanism for Criminal Tribunals ("the Residual Mechanism"), 2 withdrawn indictments and 3 indictees who died prior to judgement. Appellate proceedings have been concluded in respect of 55 persons. During the reporting period, the Residual Mechanism delivered its first judgement on the appeal from the trial judgement in the *Ngirabatware* case and the Tribunal Appeals Chamber heard oral arguments in its sole remaining case on appeal, the *Nyiramasuhuko et al.* (*Butare*) case, which is projected to be completed in the fourth quarter of 2015.

4. To date, nine of the accused indicted by the Tribunal for their participation in the genocide in Rwanda remain at large. Pursuant to Security Council resolution 1966 (2010), the responsibility for the tracking and trials of all nine of those fugitives remains with the Republic of Rwanda and the Residual Mechanism. The Residual Mechanism will retain jurisdiction over three of those indictees: Augustin Bizimana, Félicien Kabuga and Protais Mpiranya. Previously completed preservation of evidence proceedings will help to ensure smooth trials of those three indictees, who will be tried before the Residual Mechanism upon their arrest. The cases of the remaining six fugitives have been referred to Rwanda; the Residual Mechanism will continue to assist with the efforts to track those fugitives.

5. The transition to the Residual Mechanism is close to completion, and the Tribunal plans to close by the end of 2015. Most judicial and prosecutorial functions have already been handed over to the Residual Mechanism and during the reporting period it continued to put into place arrangements for self-administration, with the Tribunal and the International Tribunal for the Former Yugoslavia providing assistance as necessary, while the handing over of functions is being done on a continuous basis.

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[1] See the reports submitted to the United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 (2003) and the Tribunal's request to increase the number of ad litem judges sitting "at any one time". Completion strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008, 14 May 2009, 9 November 2009, 25 May 2010, 1 November 2010, 12 May 2011, 4 November 2011, 11 May 2012, 5 November 2012, 10 May 2013, 5 November 2013, 5 May 2014 and 5 November 2014.

I. Activities in Chambers

A. Activities at first instance

6. The present report covers the period from 6 November 2014 to 5 May 2015. With the substantive work at the trial level now complete and in light of the imminent closure of the Tribunal, benches have been assigned to review the contempt/false testimony cases where orders in lieu of indictments were confirmed before 1 July 2012 and remain outstanding.

7. The major challenges for the coming months are the completion of the final appeal and the continuing preparation of archives for the handover to the Residual Mechanism. The present report shows that the Tribunal continues to make progress in the preparation of its records for transfer to the Mechanism and is left with only one appeal case, which is expected to be completed in 2015.

1. Judgements (annex I)

8. The work at the trial level is complete. The final list of the first-instance judgements of the Tribunal is contained in annex I to the present report.

2. Referrals pursuant to rule 11 bis (annex II)

9. The monitoring of all referred cases now falls under the jurisdiction of the Residual Mechanism. As is shown in the table in annex II, four cases of accused persons indicted by the Tribunal, who are in custody, have been referred to national jurisdictions. The two cases referred to France are currently being monitored by a staff member of the Tribunal Appeals Chamber, who provides reports to the President of the Residual Mechanism. The two cases referred to Rwanda have been monitored on an interim basis by staff members from the Registries of the Tribunal, the International Tribunal for the Former Yugoslavia and the Residual Mechanism. During the reporting period, the monitoring was carried out by a representative from an international body, with the assistance of the Registry of the Residual Mechanism. The Prosecutor of the Residual Mechanism also continues to monitor all four cases closely through an independent monitor. The monitoring reports for all four accused transferred to national jurisdictions are available on the website of the Mechanism. Details on all monitoring activities are contained in the progress reports of the Mechanism.

3. Other work in the Trial Chamber

Office of the President

10. Considering the plans for closure by the end of 2015, an exhaustive review of cases of contempt/false testimony which remain under the jurisdiction of the Tribunal is under way. The President has assigned Trial Chambers to review the contempt/false testimony indictments confirmed prior to 1 July 2012, in order to determine whether any action is required as part of the transition of judicial functions to the Residual Mechanism. In his double-hatted role as the duty judge for the Arusha branch of the Mechanism, the President also rendered orders and decisions on witness protection and other confidential matters and currently remains seized of several pending matters.

11. During the reporting period, staff members of the Office of the President met with, and will continue to work closely with, staff members of the Tribunal Archives Unit to ensure a smooth transition of all records of the Tribunal Trial Chamber and the Office of the President to the Residual Mechanism.

12. The President remains involved in discussions on possible solutions to the issue of reparations for victims of international crimes committed during the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed. During the reporting period, the International Organization for Migration (IOM) continued its consultations with the Government of Rwanda on the finalization and dissemination of the assessment study that identifies options for reparations for victims and survivors, and describes in concrete and operational terms how those options could be developed, established and implemented in the Rwandan context. Once the final report has been issued, it will be disseminated to the relevant stakeholders and follow-up activities will be planned.

4. Status of fugitives (annex III)

13. As at 5 May 2015, nine fugitives indicted by the Tribunal remained at large. However, none remain within its purview of responsibility, since six of the nine cases have been referred to Rwanda, and the remaining three top priority fugitives will be tried by the Residual Mechanism.

B. Activities at the Appeals Chamber

14. As at 5 May 2015, appellate proceedings had been concluded in respect of 55 persons. Only the *Butare* case, concerning six persons, remains before the Appeals Chamber.

15. During the reporting period, the Appeals Chamber addressed pre-appeal matters and heard the appeals in the last case.

16. The remaining appeal judgement, concerning six persons, is projected to be completed in the fourth quarter of 2015.

Pending appeal from judgement: one case

17. The trial judgement in the *Butare* case was rendered on 24 June 2011 and issued in writing on 14 July 2011. All seven parties (the six convicted persons and the prosecution) appealed. Following translation and briefing delays, which were outlined in previous reports, the briefing of the appeal submissions in the case was completed in October 2013. Despite the scope and complexity of the appeals, the departure of experienced staff, the need to rule on the very voluminous and complex pre-appeal litigation, which included 18 pending motions for admission of additional evidence prior to the appeal hearing, and the judges' workload, the hearing of the appeals in the case was held in April 2015. It is projected that the appeal judgement will be delivered in the fourth quarter of 2015.

II. Measures implementing the completion strategy

18. The following section supplements prior reports and highlights essential elements of the efforts of the Tribunal to comply with its completion strategy.

A. Judicial calendar and management of proceedings

19. The Tribunal completed all its trial work before the end of 2012. The Appeals Chamber has completed all of its work, with the exception of the *Butare* appeal, on which delivery of the judgement is still expected before the end of 2015.

20. During the reporting period, the President and the Registrar remained in contact with the presiding judge of the *Butare* appeal. The presiding judge indicated that the complexity of the appeal case, the number of pre-appeal motions filed by the parties and the departure of experienced staff members continued to have an impact on the timeline for the completion of the case. The President and the Registrar are following the progress being made in the *Butare* case closely and will continue to work with the presiding judge to avoid any further delays.

21. The Tribunal continues to make progress toward completing its mandate. As detailed below in section III, all organs are working diligently to facilitate the closure of the Tribunal and the transition to the Residual Mechanism.

B. Judges and staff management

1. Judges

22. Currently nine permanent judges are working in the Appeals Chamber and one ad litem judge (the President) is working in the Trial Chamber of the Tribunal.

23. Pursuant to Security Council resolution 2194 (2014), the terms of office for Judges Arlette Ramaroson (Madagascar), Khalida Rachid Khan (Pakistan), Bakhtiyar Tuzmukhamedov (Russian Federation), and Mandiaye Niang (Senegal), permanent judges of the Tribunal and members of the Appeals Chamber, will expire on 31 December 2015, or upon completion of the cases to which they are assigned, if sooner. The terms of office for Judges William H. Sekule (United Republic of Tanzania) and Mehmet Güney (Turkey) were set to expire on 31 July 2015, or upon completion of the cases to which they are assigned, if sooner.

24. Judges Sekule and Güney demitted office in April 2015 following delivery of the appeals judgement in the *Tolimir* case at the International Tribunal for the Former Yugoslavia, which was the last case to which they were assigned. Judges Khan and Tuzmukhamedov are assigned to the *Butare* case and are accordingly expected to demit office upon its completion in 2015. Judges Niang and Ramaroson are assigned to cases before the International Tribunal for the Former Yugoslavia and are also expected to demit office upon completion of their cases in 2015.

25. Pursuant to Security Council resolution 2194 (2014), the term of office for Judge Vagn Joensen (Denmark) was extended until 31 December 2015 in order for him to continue his functions as trial judge and President of the Tribunal.

26. The Tribunal remains grateful to the General Assembly and the Security Council for their continued efforts aimed at ensuring the successful completion of

the Tribunal, including approving the extensions of the terms of office for the aforementioned judges.

2. Staff management and budget

27. As more of the workload was completed during the period under review, the Tribunal continued to simultaneously implement the downsizing process that was developed in 2007 in close consultation with the staff association. According to that process, in 2008 and 2009 management began to decide who would leave and when, depending on the outcome of fair and transparent retention processes. During the biennium 2014-2015, the Tribunal envisages the abolition of 321 posts, representing 77 per cent of the authorized 416 posts for the period 2012-2013. The Tribunal separated about 117 staff members as at 31 December 2014 and further staff separations are expected following the oral arguments in the *Butare* case in April 2015; additional separations are also expected to occur throughout the year. The Tribunal continues to employ the downsizing mechanism.

28. At the present stage of the Tribunal's operations, one of the biggest challenges in human resources is to provide adequate support to staff during the downsizing process, in their transition from the Tribunal to other careers. Additionally, it remains a huge challenge to retain the critical staff required at this stage to complete the remaining workload of the Tribunal. The lack of a structured and sustainable arrangement for the Secretariat to integrate Tribunal staff into the wider United Nations workforce, despite their experience and qualifications, affects the ability of the Tribunal to persuade those relatively few remaining staff required to stay on until the completion of the mandate. The second major challenge is that the Tribunal is unable to find suitable replacements for the experienced staff that it is continuously losing. Persuading people to join the Tribunal, especially at a stage when the Tribunal is so close to closure, is proving an almost impossible task. Its inability to offer fixed-term contracts of less than one year forces the Tribunal to recruit using temporary job openings that United Nations staff members with the relevant experience are not willing to accept, as that would require giving up their existing fixed-term contracts. It is also difficult to retain temporary staff members, as they are constantly looking for more permanent positions elsewhere. The Tribunal continues to explore with the Office of Human Resources Management the possibility of granting additional flexibility measures within the United Nations staff rules and regulations, such as lateral transfers for Tribunal staff members, depending on their skills and qualifications, to assist in meeting those challenges and prevent any further delay in the completion of the mandate of the Tribunal.

C. Work of the Office of the Prosecutor

29. During the reporting period, the Office of the Prosecutor continued to focus its work on the completion of the remaining appeal; supporting the monitoring of cases referred to national jurisdictions for trial; multiple transitional dispositions aimed at ensuring a smooth and effective transfer of functions to the Office of the Prosecutor of the Residual Mechanism; the preparation of materials for archiving; and diverse activities for the Prosecutor's closing report to the Secretary-General. The Office of the Prosecutor was further engaged in organizing the seventh Colloquium of International Prosecutors, held on 4 and 5 November 2014, in conjunction with the

twentieth anniversary of the establishment of the Tribunal, as well as the completion of other essential legacy projects initiated over the years.

1. Workload

30. Litigation in connection with the *Butare* case continued during the reporting period. That appeal, which comprises six defence appeals and one prosecution appeal, is the last appeal before the Tribunal. Post-appeal litigation has remained heavy. In recent weeks, the Appeals Chamber has issued 9 decisions that disposed of 15 motions identified in the last report. Five other defence motions to present additional evidence on appeal remain pending at the present time. In response to an order by the Appeals Chamber, on 8 April 2015 the prosecution filed supplemental submissions in relation to several convictions. Oral arguments in the *Butare* case began on 14 April and concluded on 22 April 2015. Defence responses to the supplemental submissions of the prosecution were filed on 30 April and 5 May 2015. The prosecution may seek leave to reply to those additional defence submissions post-argument.

31. In addition to conducting litigation in the *Butare* appeal, the Appeals and Legal Advisory Division assisted in the conduct of appellate and other litigation before the Residual Mechanism. In the case of *Prosecutor v. Augustin Ngirabatware*, on 18 December 2014 the Appeals Chamber of the Mechanism affirmed Ngirabatware's convictions for direct and public incitement to commit genocide and for instigating and aiding and abetting genocide. It reversed his conviction for rape as a crime against humanity, and reduced his sentence from 35 to 20 years imprisonment.

32. In addition to appeals, the Division assisted in monitoring cases referred to national jurisdictions for trial and investigating and responding to additional requests for the revocation of referral orders filed by Bernard Munyagishari and Jean Uwinkindi earlier in 2015. On 8 April 2015, the President of the Residual Mechanism dismissed Munyagishari's third request for revocation, without prejudice to the filing of a new request. Uwinkindi's second request remains pending at the present time.

33. The Division also continued to review the disclosure obligations of the prosecution pursuant to rule 68 of the Rules of Procedure and Evidence of the Tribunal. Records of past disclosure are being compiled to ensure a smooth transition of this core function to the Office of the Prosecutor of the Arusha branch of the Residual Mechanism. In keeping with Security Council resolution 1966 (2010), the Office of the Prosecutor continued to provide administrative and other essential support to the Residual Mechanism on a double-hatting basis, as the Mechanism moves towards supporting itself in its various administrative and case-related functions.

34. The Information and Evidence Support Section has systematically continued to provide substantial support to the Appeals and Legal Advisory Division in complying with the continuing disclosure obligations of the Office of the Prosecutor, pursuant to rule 68 of the Rules of Procedure and Evidence of the Tribunal. In that context and with a view to ensuring the smooth transition of functions to the Residual Mechanism, pursuant to resolution 1966 (2010), the Division and the Section have jointly continued a comprehensive review of cases that have gone to final judgement, in order to identify any potentially exculpatory

material that has not yet been disclosed. Records of all past disclosures continued to be compiled into a master database for handover to the Residual Mechanism. Updated searches of the evidence database of the Office of the Prosecutor are currently being performed to update all disclosure obligations. In addition, exculpatory materials continued to be identified and incorporated into the evidence database.

35. During the reporting period, the Information and Evidence Support Section also continued to transfer supplementary records from prosecutions and investigations to the Office of the Prosecutor of the Arusha branch of the Residual Mechanism. Four prosecution case files, Military 1, Military 2, Government 1 and Government 2, measuring a total of 134.1 linear metres, were transferred to the Office of the Prosecutor of the Mechanism. The Section also transferred 45 linear metres related to 19 individual case files. In total 179.1 linear metres of prosecution case files, representing 1,100 archival boxes, were transferred to the Office of the Prosecutor of the Residual Mechanism. A comprehensive audit of the collection of evidence records has also been carried out, leading to its transfer to the Office of the Prosecutor of the Mechanism. The transfer amounted to 105.55 linear metres of documents, artefacts and audiovisual and other seized materials. The vault of evidence records of the Office of the Prosecutor of the Tribunal was transferred to the Residual Mechanism on 24 April 2015, thereby marking the handover of the custody of, and management responsibility for, the evidence materials (cleaning duties, daily routine checks of temperature and humidity, management of records and assets and maintenance of the fire suppression system in the vault). In the coming months, the archiving team of the Office of the Prosecutor will enter its final phase of transferring collections of records by focusing on the video collection, photographic collection and digital collection, including the ZyFind database and shared drives. The Section continued to provide regular support to the Office of the Prosecutor of the Tribunal and the Office of the Prosecutor of the Residual Mechanism in terms of system and software operations and research and analysis relating to requests for foreign legal cooperation.

36. During the reporting period, the Office of the Prosecutor also focused on capacity-building by intensifying the international dissemination of its best practices manual on the investigation and prosecution of sexual and gender-based violence, a copy of which is available on the website of the Tribunal. On 11 January 2015, the Office of the Prosecutor released a best practices manual on the referral of international criminal cases to national jurisdictions for trial, a copy of which also is available on the website. Other continuing legacy initiatives include projects related to recording the course of events of the 1994 Rwandan genocide on the basis of the facts established by the judicial processes of the Tribunal and a compilation of its appellate jurisprudence. Multiple activities are also anticipated in connection with the preparation of a comprehensive closing report for the Office of the Prosecutor, to be released prior to the formal closure of the Tribunal.

2. Cooperation of the Office of the Prosecutor with Member States

37. Member States have continued to intensify their cooperation with the objective of apprehending and bringing to trial, within their national jurisdictions, the Rwandan suspects appearing on the International Criminal Police Organization (INTERPOL) list of wanted fugitives. In a double-hatting capacity, the Office of the Prosecutor continued to strengthen its cooperation with diverse States, organizations

such as INTERPOL and INTERPOL national offices, including in Rwanda and other countries of the Great Lakes region and in the East African region. In that context, the Office of the Prosecutor of the Tribunal continued to provide essential support to the Residual Mechanism in a double-hatting capacity, as the Mechanism gradually assumes responsibility for the servicing of foreign requests for assistance and for supporting itself in its various other cooperation functions with Member States.

3. Staffing

38. With the return of additional judgements and the completion of other core work, such as rule 11 bis (referral of cases) litigation and disclosure updates, an initial reduction in staff levels of the Office of the Prosecutor of the Tribunal was carried out on 31 October 2014, followed by a larger reduction on 31 December 2014, when additional appeals were completed. Depending on the expected date of delivery of the Appeals Chamber judgement in the *Butare* case, the Prosecutor anticipates closing the Office of the Prosecutor of the Tribunal and shifting any remaining functions to the Office of the Prosecutor of the Residual Mechanism, either as a core activity or through the double-hatting of functions.

D. Work of the Office of the Registrar

39. During the reporting period, the Office of the Registrar continued with its efforts to transfer the remaining administrative functions to the Residual Mechanism and to provide support to the Mechanism in those aspects where it was still needed, including in the areas of security, medical care, the detention of accused persons, transport, finance, general services and routine administrative activities relating to the acquitted persons and those released in the United Republic of Tanzania upon completion of their sentences. It took part in a joint retreat involving the Residual Mechanism and the International Tribunal for the Former Yugoslavia in January 2015 to plan further for the transfer of the remaining administrative functions to the Mechanism. The Office of the Registrar also continued to provide administrative and logistical support to both the Chambers and the Office of the Prosecutor of the Tribunal and assisted members of the defence counsel teams attached to the *Butare* case. That support included human resources management, court management, finance, general services and other administrative services. The Office of the Registrar also continued to be the face of, as well as the entry point to, the Tribunal. While providing the administrative support to the Residual Mechanism described above, the Office of the Registrar also continued with the downsizing of the Tribunal to prepare for its closure and liquidation in 2015. Until 31 December 2014, the Office of the Registrar also continued with its efforts to relocate the acquitted persons and those released in the United Republic of Tanzania and to settle them outside the country. That function was transferred to the Residual Mechanism effective 1 January 2015.

40. Through its Language Services Section, the Office of the Registrar continued to provide interpretation and translation services to the Appeals Chamber, the Office of the Prosecutor and defence teams in the last appeals case. That involved the translation of all documents required for the judicial processes, including those designated as necessary to ensure that the right to a fair trial of the accused was observed. The Section also translated and continues to translate final judgements to ensure their availability in English, French and Kinyarwanda when transferred to

the Residual Mechanism as part of the Tribunal archives. It continued to provide assistance to the Arusha branch of the Mechanism in the translation of judicial filings and official documents, notwithstanding the large number of documents relating to appeals and appeals judgements of the Tribunal that it was also responsible for translating. The Section continued to provide interpretation services to both the Tribunal and the Mechanism for appeals hearings and judgement delivery sessions on the occasions when the Appeals Chamber judges visited Arusha for such hearings and judgement delivery. It also provided interpretation services in English, French and Kinyarwanda during the oral hearings on the *Butare* appeal that took place during April 2015.

41. During the reporting period, the Judicial and Legal Affairs Section continued its activities with respect to court management, defence counsel and detention management, witness and victim support in respect of ongoing Tribunal cases and, until 31 December 2014, assisted the acquitted persons and those released in Arusha after completing their sentences. In particular, from 14 to 23 April 2015, the Section assisted the Appeals Chamber with the oral arguments of the *Butare* case, which dealt with seven appeals, one from the Prosecutor and one from each of the six convicted persons. It was also increasingly involved in matters related to staff appeals and representation of the organization before arbitral and other tribunal or administrative proceedings.

1. Activities of the Division of Administrative Support Services

42. The Division of Administrative Support Services continued to provide administrative support to the Tribunal and, in conjunction with the International Tribunal for the Former Yugoslavia, some services to the Residual Mechanism. The activities described below took place during the reporting period with respect to the downsizing of the Tribunal.

43. The Human Resources and Planning Section continued to administer staff entitlements and offer training and counselling to staff members. The Section continuously reviews and streamlines the separation process in order to speed up the receipt of end-of-service benefits by separating staff members. The Career Development and Counselling Unit also continued to provide training on the preparation of curricula vitae, the use of the United Nations Inspira recruitment system and preparation for interviews, as well as preparing staff for the transition to other jobs, including self-employment, after leaving the Tribunal. It is worth noting that a good part of the function of the Human Resources and Planning Section involved increased activities relating to staff development and career support, staff separations and the administration of staff entitlements. However, there was a decrease in activities related to the recruitment of staff members for the Tribunal, in part because of the difficulty in attracting staff to an organization that is closing down.

44. The Security and Safety Section continued to support the Tribunal to ensure the safety and security of its staff, premises, assets and operations through the implementation of the policies of the United Nations security management system. Close collaboration with host Government authorities in Rwanda and the United Republic of Tanzania continued to be promoted, with a view to addressing the perceived increase in security threats in the region. The Security and Safety Section continued to monitor evolving security trends and to ensure that appropriate

measures were in place to mitigate threats. It also continued to provide security to the staff members and property of the Residual Mechanism and contributed to planning activities for the new premises of the Mechanism.

45. The General Services Section continued to provide its services, but at a much scaled-down rate. The Section recorded an increase in its workload relating to the disposal of assets that are no longer required. The Assets Management Unit was strengthened to help accelerate the disposal of those assets. Efforts to scale down the provision of in-house services continued, such as providing transport to the airport for staff members, owing to a reduction in the number of vehicles and manpower. The rationalization of office space is an ongoing process, as staff members continue to separate. In the light of the staff reductions, a number of offices were returned to the Arusha International Conference Centre. The writing-off of surplus items as part of the liquidation plan continued in earnest. Donations of equipment to the judiciary of the United Republic of Tanzania, local schools and municipal authorities were also made. In an effort to increase the capacity of the Residual Mechanism for the enforcement of sentences, the Registry, in collaboration with the United Nations Development Programme in Senegal, is refurbishing cells in a prison in Senegal that could potentially house persons convicted by the Tribunal.

46. The Budget and Finance Section continued to prepare payments for staff, separating staff, non-staff (judges) and vendors, while monitoring the rational use of funds in accordance with the approved budget. The Section has been leading the preparation for the implementation by the Tribunal of International Public Sector Accounting Standards (IPSAS), with a particular emphasis on the review of property, plant and equipment, outstanding receivables and liabilities and the management of obligations.

47. The Information Technology Services Section continued to support the downsizing activities and strengthen information and technology infrastructure and processes. It will also support cluster 4 Umoja realization activities at the Tribunal and the United Nations information and communications technology strategy approved by the General Assembly, in conformance with directives from the Office of Information and Communications Technology at United Nations Headquarters.

48. The Health Services Unit continued to provide basic and specialized health services to its clients, including Tribunal and Residual Mechanism staff members and their dependants, detainees, released and acquitted persons, interns, visitors and non-staff members, such as contractors, labourers and cleaners. Hospitalization is outsourced to hospitals in Arusha and the relevant places authorized for medical evacuation.

49. All the services of the Division of Administrative Support Services described above are projected to remain the responsibility of the Tribunal until its closure upon delivery of the *Butare* judgement in 2015. It is foreseen, therefore, that the Tribunal will enter into its full liquidation phase in December 2015. Only 95 staff members are expected to remain in the Registry until 31 December 2015, to focus on the liquidation and disposal of remaining Tribunal assets, including the residual administrative functions, such as the dismantling of temporary office structures and prefabricated facilities and storage containers; the repair and handing back of rented premises; the disposition of records; disposal of furniture, equipment and supplies; and the settling of outstanding obligations, payables and recovering amounts owed to the Tribunal by staff members and other parties. It should be noted that it will not

be possible to complete the liquidation process of the Tribunal within one month and, as such, it is anticipated that some liquidation work will spill over into 2016. The Tribunal has been included in cluster 4 for the implementation of Umoja. The Division of Administrative Support Services will coordinate data preparation and actual implementation of Umoja at the Tribunal, which is expected to take place in November 2015.

2. Cooperation between the Tribunal and Member States

50. The Office of the Registrar has continued to act as the diplomatic arm of the Tribunal and the channel of communication between the Tribunal and the international community. As such, the Office has maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office of the Registrar transmitted 22 notes verbales and other correspondence related to the operations of the Tribunal, in particular with a view to securing the support and cooperation of Member States.

51. The continued and enhanced cooperation of Member States in certain areas has enabled the Tribunal to complete successfully a number of tasks that will remain in its mandate. In addition to focusing on ongoing cases, that cooperation has also included requests for assistance in finding a solution to the difficult challenge of relocating acquitted and released persons, who still remain in Arusha because they cannot leave and go anywhere else. In spite of three Security Council resolutions calling upon Member States to assist (resolutions 2029 (2011), 2054 (2012) and 2080 (2012)), that assistance has been extremely slow in coming. Since the adoption of those Security Council resolutions, only one Member State, Belgium, has offered such assistance. In September 2014, Belgium granted a family reunion visa to one acquitted person, Augustin Ndindiliyimana, and allowed him to move immediately to Belgium. To date, eight acquitted and three released persons remain in Arusha. The Tribunal hopes that with similar assistance from other Member States, it will be possible to find places to which it can relocate the other acquitted and released persons still residing in Arusha. The fact that article 28 of the statute of the Tribunal does not oblige Member States to cooperate in matters of relocation has not been helpful. Until 1 January 2015, when the function of looking after the acquitted and released persons was transferred to the Residual Mechanism, the Tribunal continued to redouble its relocation efforts, in terms of the strategic plan that was formulated and submitted by the Registrar to the Security Council Informal Working Group on International Tribunals on 30 May 2013 and was explained in the six-monthly report of the President of the Tribunal to the Security Council in May 2014 (S/2014/343) and in the nineteenth annual report of the Tribunal (A/69/206-S/2014/546).

52. In the meantime, the 11 acquitted or released individuals remain in the territory of the United Republic of Tanzania without identity documents, proper immigration status or any means of survival. In the light of the imminent closure of the Tribunal and the insufficient level of voluntary cooperation from Member States, the Tribunal once again calls upon the Security Council for urgent assistance in finding a sustainable solution to this issue.

3. Outreach and capacity-building

53. During the reporting period, the Tribunal continued to implement major outreach programmes. In November 2014, during the twentieth anniversary, it

brought to Arusha a group of 17 journalists from major media houses in Burundi, Kenya, Rwanda, Uganda and the United Republic of Tanzania, who, apart from attending the major events organized to mark the occasion, were briefed on the work of the Tribunal, its challenges and the achievements registered. Subsequently, the major print and electronic media outlets in the region carried comprehensive news and articles on the work of the Tribunal. In April 2015, representatives of the Tribunal took part in the events marking the International Day of Reflection on the Genocide in Rwanda in Dar es Salaam, United Republic of Tanzania, where, through exhibitions, media engagements and presentations, they provided information to the participants about the completion strategy and the achievements registered during the lifetime of the Tribunal.

54. The Tribunal also continued to disseminate information to all national, regional and international stakeholders. More than 3,000 copies of its cartoon book *100 Days: In the Land of a Thousand Hills* were distributed in Kenya, Rwanda and the United Republic of Tanzania. The book informs and teaches youth about genocide, its causes and dynamics and in particular the Rwandan genocide and the concept of "never again" becoming a reality. The above-mentioned activities form part of a youth sensitization project of the Tribunal that was initially supported by Germany and included an essay-writing and drawing competition involving more than 100 schools in the Great Lakes region. Other materials distributed in the same manner included copies of the video *Justice Today* and copies of the Tribunal brochures and leaflets.

III. Transition to the Residual Mechanism

55. In compliance with Security Council resolutions 2054 (2012) and 2080 (2012), this section details the efforts made during the reporting period regarding the transition to the Residual Mechanism, including projections with projected dates, where possible, for the handover of functions.

A. Judicial functions

56. In resolution 1966 (2010) and the transitional arrangements annexed thereto, the Security Council mandated a coordinated transition of judicial functions to the Residual Mechanism on 1 July 2012 or as soon thereafter as possible.

57. Pursuant to article 2 of the transitional arrangements, any appeals filed with respect to Tribunal decisions or judgements after 1 July 2012 fall under the responsibility of the Residual Mechanism. As a result, the Residual Mechanism has competence over one appeal from a Tribunal judgement, in the *Ngirabatware* case, where the judgement on appeal was rendered on 18 December 2014. In accordance with its statute and transitional arrangements, the Residual Mechanism is now also responsible for requests for review of Tribunal judgements, trials for contempt of court or false testimony, where the indictment is confirmed on or after 1 July 2012, and for the trials of three of the remaining fugitives once they have been arrested.

58. During the reporting period, the Residual Mechanism also handled numerous requests for assistance from national authorities and other motions stemming from Tribunal trials and appeals. The Mechanism rendered orders and decisions on

post-appeal requests for the initiation of proceedings for contempt and assignment of counsel, variation of protective measures, various appeal motions from the *Ngirabatware* case and other confidential matters.

B. Office of the President

59. Pursuant to article 6 of its statute, the Residual Mechanism is responsible for issues related to cases referred by the Tribunal to national courts, such as the monitoring of cases (with the assistance of international or regional organizations or bodies) and consideration of revocation (where the President must determine whether to appoint a bench). The transfer of that function has been continuing. The Mechanism has already been handling the administration of monitoring the two Tribunal cases referred to France and the *Uwinkindi* case in Rwanda and, since 1 January 2014, the administrative function of monitoring the other case referred to Rwanda (*Munyagishari*) has now also been fully transferred to it. A staff member of the Tribunal continues to act as the interim monitor in France and the monitoring in Rwanda is now being done by a representative from an international body with the assistance of the Mechanism.

C. Registry

60. Most functions earmarked in Security Council resolution 1966 (2010) for transfer to the Arusha branch of the Residual Mechanism, including the enforcement of sentences, assistance to national authorities and the protection of witnesses in completed cases, were immediately transferred to the Mechanism upon the establishment of the Arusha branch on 1 July 2012. In view of the fact that the Tribunal is still in the process of completing its mandate, it was understood that other functions would be transferred gradually to the Mechanism once they were no longer critical for the completion of the work of the Tribunal. They include the transfer to the Residual Mechanism of Tribunal records with long-term or permanent retention value for management by the Arusha branch of the Mechanism and the provision of health services, security and other support services. With regard to the preparation of the records of the Tribunal and transferring them to the Residual Mechanism for management, the Registry wishes to report that significant progress has been made and that more records were transferred to the Mechanism during the period under review.

61. The budget for the biennium 2014-2015 was approved by the General Assembly based upon projections in the Tribunal completion strategy reports of May and November 2013. The determination of resource requirements followed in-depth consultations among officials from the International Tribunal for the Former Yugoslavia, the Tribunal and the Residual Mechanism, in order to ensure that the resource requirements of the two Tribunals and the Residual Mechanism were well harmonized to avoid duplication, enhance consistency and promote complementarities. The Tribunal is grateful to Member States for agreeing to provide the resources necessary for the completion of its mandate.

62. In accordance with the agreement between the Tribunal and the Residual Mechanism, the responsibility for relocating the acquitted persons and the provision of services to them was transferred to the Residual Mechanism on 1 January 2015,

although certain administrative and logistical services will still be provided by Tribunal staff.

D. Office of the Prosecutor

63. A number of designated professional staff members of the Tribunal have continued double-hatting for activities related to the Residual Mechanism, to assist in transitional activities and make it fully operational. This has mainly been in support of the conduct of tracking operations by the Office of the Prosecutor of the Residual Mechanism, international cooperation and mutual legal assistance. As noted above, Tribunal staff members have supported the Residual Mechanism in the monitoring of cases transferred to national jurisdictions and in the defence of the *Ngirabatware* appeal and related litigation, which was primarily defended by an ad hoc team of Residual Mechanism staff.

64. Increasingly, the work of the Immediate Office of the Prosecutor has been transferred to the Residual Mechanism. In addition, as noted above, the Appeals and Legal Advisory Division is completing the transfer to the Residual Mechanism of disclosure obligations in all completed cases under rule 68.

65. The Tribunal is also continuing to transfer to the Residual Mechanism responsibility for the management and preservation of the official records and archives of the Office of the Prosecutor. While staff of the Residual Mechanism already have access to the relevant records of the Office of the Prosecutor of the Tribunal, the archives of the Office have continued to be gradually transferred to the Office of the Prosecutor of the Residual Mechanism, where they are expected to be secured upon completion of all Tribunal appeals and related litigation. In the meantime, as the archives of the Residual Mechanism systematically continue to be fully established, materials no longer in active use continue to be compiled and transferred on an ongoing basis and Tribunal staff members continue to double-hat. The processing of records has continued, alongside the appraisal and security classification of all records of the Office of the Prosecutor. That has involved the identification, appraisal and assigning of classification levels to the records of the Office of the Prosecutor, with access control managed through the use of different document collections in the ZyFind database. As a function of paramount importance, coordination and interactive cooperation with the Offices of the Prosecutors of the International Tribunals for the Former Yugoslavia and Rwanda have continued to ensure that the Residual Mechanism operates smoothly.

E. Archives

66. The preparation of the records of the Tribunal with long-term to permanent value and their transfer to the Residual Mechanism for management remains one of the core functions of the Tribunal. The Tribunal has continued to work collaboratively with the Residual Mechanism to remove unnecessary processing steps that do not contribute to the integrity of the metadata of the records. The strategic framework for physical, digital and audiovisual records, which was developed to identify key areas of the project on the retention and disposition of records that needed to be emphasized and practical measures that needed to be

taken, was implemented to ensure that the Tribunal successfully completed the disposal of all its records before its closure.

Physical records (hard copy and physical audiovisual records)

67. As at 5 May 2015, the Tribunal had transferred to the Residual Mechanism close to 1,700 linear metres of physical records out of an estimated total of 2,250 linear metres of records anticipated for transfer by its closure in 2015. An additional 30 linear metres are pending transfer to the Residual Mechanism, once it completes its own item-level verification of the records.

68. The transfer projection of 2,384 linear metres reported in the November 2014 completion strategy report has dropped slightly to 2,250 linear metres. That is a by-product of normal record-keeping practice, as records due for destruction and non-record copies are identified. Numbers are expected to continue to vary slightly in the course of 2015 to account for the final appraisal of active records still in use and records that continue to be created due to the day-to-day active functions of the Tribunal.

69. Records inventory, appraisal and rehousing activities continue in all sections and units across the Tribunal. Judicial records relating to the *Butare* case have been separated and will be transferred only after the delivery of the appeal judgement, while all other records have either been transferred or are being prepared for transfer. The processing and transfer of the judicial records has required substantial resources as they involve clean-up of the metadata and item-level verification of the physical records. As of 5 May 2015, more than 95 per cent of the judicial records of the Tribunal had been transferred to the Archives and Records Section of the Residual Mechanism, or been prepared for transfer. The processing and transfer of non-judicial records in individual offices continues. Transfers to the Residual Mechanism include mainly defence counsel records and those related to detention management, witness and victim records, court management administrative records, correspondence files from the Office of the President and records related to acquitted and released persons, as well as files relating to human resources, information technology and the security section. As at 5 May 2015, the Tribunal had transferred to the Residual Mechanism close to 1,100 linear metres of its Registry records out of a current estimated total of 1,425 linear metres.

70. Despite the vast challenges presented by the volume and nature of the records, as well as the fact that some records are still being created and actively used and therefore cannot yet be prepared, the Tribunal remains confident that the preparation and transfer of inactive records will be completed before closure, with less than 100 linear metres of active and semi-active records left for preparation and transfer to the Residual Mechanism during the liquidation phase.

71. The Tribunal continues to work collaboratively with the Archives and Records Section of the Residual Mechanism to ensure that transfers are carried out in the most efficient and practical manner possible.

Digital records

72. The appraisal of digital records and systems across the Tribunal continues. A strategic framework for the digital records is now being implemented and proposed transfer methods for records and systems, especially the shared drives of the

Tribunal, have been discussed with both the Residual Mechanism and the Information Technology Services Section of the Tribunal. Most offices identify and appraise their shared drive folders using the appraisal guidelines prepared by the Records and Archives Unit of the Registry.

73. The e-mail capture project, which began in October 2014, continues. The project captures both legacy and current e-mail accounts of staff members who have played a significant role in the history of the Tribunal. The Tribunal is currently harvesting e-mail accounts, except for those of the judges and the staff of the Chambers, which will be transferred to the Residual Mechanism.

74. The asset transfer of the HP TRIM and DIVA Content Storage Management systems, comprising 755 gigabytes of judicial and administrative records and 781 terabytes of audiovisual records respectively, which occurred in December 2014, represented a huge milestone for the archiving project of the Tribunal. The Tribunal also continues to host the Residual Mechanism records in its database and collaborates with the Mechanism on changes and updates to the system to ensure smooth data entry and continued access to the records for both organizations.

Audiovisual redaction project

75. At the end of 2013, a target was set for 6,000 hours each of redacted video material in English, French and Kinyarwanda to be handed over to the Residual Mechanism at the close of the audiovisual redaction project in December 2014. Those video files were in addition to the audio files that had been previously completed.

76. By the previously anticipated close of the project on 31 December 2014, a total of 6,488 hours of video footage had been marked for redaction, surpassing the 6,000 hour goal for that stage of the work. At that point, most of the marked material had passed quality control and 5,851 hours had undergone the final assembling of audio tracks and the archiving stage of the workflow, leaving a balance of 637 hours to be completed. All the outstanding wrapping and archiving was completed by a skeleton team from the Tribunal by 15 April 2015. A thorough verification of the metadata relating to all the audiovisual records was also carried out during that period.

IV. Conclusion and updated prognosis regarding the implementation of the completion strategy

77. During the reporting period, judicial and legal activity continued to be focused on completing the remaining appeals and the transition to the Residual Mechanism, as all work at the trial level, referral applications and evidence preservation was completed or transferred to the Mechanism prior to the present reporting period. The focus of administrative energies has remained on activities related to downsizing, including the preparation of the records of the Tribunal for management by the Mechanism and providing the support necessary for the remaining judicial and legal work. The Mechanism's reliance on the Tribunal for administrative services continues to be significantly reduced and the Mechanism is continuing to assume judicial responsibilities in line with the transitional arrangements, including delivery

of the first appeal from a Tribunal trial judgement, which was completed in December 2014.

78. Thanks to the tireless work and dedication of the staff and judges, it is projected that the sole remaining appeal judgement in the *Butare* case will be delivered in the fourth quarter of 2015, following the appeal hearing which was held in April 2015. The formal closure of Tribunal operations is planned to occur by the end of 2015, with only the necessary liquidation activities remaining thereafter. Any residual matters beyond the end of 2015, including liquidation, will be handled by the Residual Mechanism.

79. The past and continued support of Member States remains crucial to the completion of the mandate of the Tribunal. Mutual assistance and international cooperation will continue to play a critical role in the management of all international courts and national courts trying crimes of an international nature and, as such, it is crucial for Member States to ensure that the Tribunal has the same level of support at closure that it did at its inception, and that the same is true for other current and future judicial institutions similarly situated.

80. The Tribunal continues to help ensure that the lessons learned in managing the judicial, administrative and prosecutorial functions of an international tribunal are shared between other international and national jurisdictions and with the public. In that regard, the Office of the President has continued to lead the organization of workshops aimed at sharing the developed practices of the international tribunals that are closing with the International Criminal Court and the Special Tribunal for Lebanon. The next workshop is planned to be a technical training session for the trial and appeals chambers and will be held on 7 and 8 May 2015 in The Hague, when legal officers from the Tribunal, the International Tribunal for the Former Yugoslavia, the Residual Mechanism, the Special Tribunal for Lebanon and the International Criminal Court will meet to discuss developed practices and lessons learned that can be utilized by the staff assisting the judicial chambers of current and future international tribunals, including the International Criminal Court.

81. During the reporting period, the Tribunal held a series of events commemorating the twentieth anniversary of its establishment by the Security Council. During those events, the Tribunal once again reminded the international community of the unimaginable events that took place in Rwanda in 1994 and the contributions that the Tribunal has made over the past two decades towards peace and reconciliation in the Great Lakes region through the judicial process and its capacity-building and outreach programmes. The commemoration events also provided the Tribunal with the opportunity to launch its new website, which will play a crucial role in preserving the work of the Tribunal for posterity and, in so doing, ensure that the victims and survivors of the genocide in Rwanda are never forgotten.

Annex I

Trial judgements: 75 accused in 55 judgements

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
1	J.-P. Akayesu	*Bourgmestre* of Taba	30 May 1996	I	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	I	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, *Interahamwe* leader	14 December 1998	I	5 February 1999 (guilty plea)
4	C. Kayishema	*Préfet* of Kibuye	31 May 1996	II	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, 2nd Vice-President of *Interahamwe*	30 May 1996	I	6 December 1999
6	A. Musema	Businessman	18 November 1997	I	27 January 2000
7	G. Ruggiu	RTLM Journalist	24 October 1997	I	1 June 2000 (guilty plea)
8	I. Bagilishema	*Bourgmestre* of Mabanza	1 April 1999	I	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	I	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	*Bourgmestre* of Bicumbi	16 February 1998	III	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	I	15 May 2003
12	J. Kajelijeli	*Bourgmestre* of Mukingo	19 April 1999	II	1 December 2003
13	F. Nahimana	RTLM Director	19 February 1997	I	"*Media* Case" (joinder) 3 December 2003
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	II	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997	III	"*Cyangugu* Case" (joinder) 25 February 2004
	E. Bagambiki	*Préfet* of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant in FAR	27 November 1997		
16	S. Gacumbitsi	*Bourgmestre* of Rusumo	20 June 2001	III	17 June 2004

Case No.	Name	Former title	Initial appearance	Trial Chamber	Trial judgement
17	E. Ndindabahizi	Minister of Finance	19 October 2001	I	15 July 2004
18	V. Rutaganira	*Conseiller* of Mubuga	26 March 2002	III	14 March 2005 (guilty plea)
19	M. Muhimana	*Conseiller* of Gishyita	24 November 1999	III	28 April 2005
20	A. Simba	Lieutenant-Colonel in FAR	18 March 2002	I	13 December 2005
21	P. Bisengimana	*Bourgmestre* of Gikoro	18 March 2002	II	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, RTLM	30 September 2005	I	12 June 2006 (guilty plea)
23	J. Mpambara	*Bourgmestre* of Rukara	8 August 2001	I	12 September 2006
24	T. Muvunyi	Interim Commander, École des sous-officiers	8 November 2000	II	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	III	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	III	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	II	23 February 2007 (guilty plea)
28	J. Rugambarara	*Bourgmestre* of Bicumbi	15 August 2003	II	16 November 2007 (guilty plea)
29	GAA	Witness before Tribunal proceedings	10 August 2007	III	4 December 2007 (contempt of Tribunal)
30	F. Karera	*Préfet* of Kigali	26 October 2001	I	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	III	24 September 2008
32	S. Bikindi	Musician	4 April 2002	III	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	III	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	I	"*Military I Case*" (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General in FAR	17 February 1998		
	A. Ntabakuze	FAR Battalion Commander	24 October 1997		
	A. Nsengiyumva	Lieutenant-Colonel in FAR	19 February 1997		
35	E. Rukundo	Chaplain	26 September 2001	II	27 February 2009

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
36	C. Kalimanzira	*Directeur de Cabinet* of the Ministry of the Interior	14 November 2005	III	22 June 2009
37	L. Nshogoza	Former Defence Investigator	11 February 2008	III	2 July 2009 (Contempt of court case)
38	T. Renzaho	*Préfet* of Kigali-ville	21 November 2002	I	14 July 2009
39	M. Bagaragaza	Director General of Government Office Controlling the Tea Industry	16 August 2005	III	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	I	17 November 2009
41	T. Muvunyi	Interim Commander, ESO Camp	8 November 2000	III	11 February 2010 (retrial)
42	E. Setako	Lieutenant-Colonel	22 November 2004	I	25 February 2010
43	Y. Munyakazi	*Interahamwe* leader	12 May 2004	I	30 June 2010
44	D. Ntawukulilyayo	*Sous-Préfet* of Butare *Préfecture*	10 June 2008	III	3 August 2010
45	G. Kanyarukiga	Businessman	22 July 2004	II	1 November 2010
46	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	II	1 December 2010
47	J.-B. Gatete	*Bourgmestre* of Murambi	20 September 2002	III	29 March 2011
48	A. Ndindiliyimana	Chief of Staff of Gendarmerie	27 April 2000	II	"*Military II*" case (joinder) 17 May 2011
	F.-X. Nzuwonemeye	FAR Battalion Commander	25 May 2000		
	I. Sagahutu	Second-in-Command of Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff of FAR	21 August 2002		
49	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	II	"*Butare*" case (joinder) 24 June 2011
	A. S. Ntahobali	*Interahamwe* leader	17 October 1997		
	S. Nsabimana	*Préfet* of Butare	24 October 1997		
	A. Nteziryayo	*Préfet* of Butare	17 August 1998		
	J. Kanyabashi	*Bourgmestre* of Ngoma	29 November 1996		
	E. Ndayambaje	*Bourgmestre* of Muganza	29 November 1996		

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Trial judgement*
50	C. Bizimungu	Minister of Health	3 September 1999	II	"*Bizimungu et al.*" case (joinder) 30 September 2011
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
51	G. Ndahimana	*Bourgmestre* of Kivumu	28 September 2009	III	17 November 2011
52	E. Karemera	Minister of Interior, Vice-President of MRND	7 April 1999	III	"*Karemera et al.*" case (joinder — third accused J. Nzirorera died on 1 July 2010) 21 December 2011
	M. Ngirumpatse	General Director at Ministry of Foreign Affairs, President of MRND	7 April 1999		
53	C. Nzabonimana	Minister of Youth in the Interim Government	20 February 2008	III	31 May 2012
54	I. Nizeyimana	Second-in-Command, ESO	14 October 2009; further appearances 5 March 2010 and 7 October 2010	III	19 June 2012
55	A. Ngirabatware	Minister in the Interim Government	9 February 2009	II	20 December 2012

Annex II

Referrals pursuant to rule 11 bis for apprehended accused: 4 accused in 4 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*Trial Chamber*	*Status*
56	W. Munyeshyaka	Clergy	Not applicable (arrested in France)	Not applicable	Case transferred to France on 20 November 2007.
57	L. Bucyibaruta	*Préfet* of Gikongoro *Préfecture*	Not applicable (arrested in France)	Not applicable	Case transferred to France on 20 November 2007.
58	J. Uwinkindi	Pastor, Nyamata	9 July 2010	III	Accused transferred to Rwanda on 19 April 2012.
59	B. Munyagishari	Former President of *Interahamwe* for Gisenyi	20 June 2011	III	Accused transferred to Rwanda on 24 July 2013.

Annex III

Fugitives indicted by the Tribunal

Fugitive name	*Status*
Augustin Bizimana	Residual Mechanism will be responsible for trial when arrested
Félicien Kabuga	Residual Mechanism will be responsible for trial when arrested
Protais Mpiranya	Residual Mechanism will be responsible for trial when arrested
Ladislas Ntaganzwa	Fugitive accused case referred to Rwanda
Fulgence Kayishema	Fugitive accused case referred to Rwanda
Charles Sikubwabo	Fugitive accused case referred to Rwanda
Aloys Ndimbati	Fugitive accused case referred to Rwanda
Charles Ryandikayo	Fugitive accused case referred to Rwanda
Phénéas Munyarugarama	Fugitive accused case referred to Rwanda